

EFFECTIVE
11-03-2020

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 128

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 128 PRACTICE OF PHARMACY AND CREDENTIALING OF PHARMACY
PERSONNEL

001. SCOPE AND AUTHORITY. These regulations govern the credentialing of pharmacists, pharmacist interns, pharmacy technicians, and the practice of pharmacy under the Pharmacy Practice Act, Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-2801 to 38-28,116; the Uniform Controlled Substances Act, Neb. Rev. Stat. §§ 28-401 to 28-456.01; 28-458 to 28-475; and the Uniform Credentialing Act (UCA), Neb. Rev. Stat. §§ 38-101 to 38-1,145.

002. DEFINITIONS. Definitions set out in the Pharmacy Practice Act, the Uniform Controlled Substances Act, the Uniform Credentialing Act, and 172 Nebraska Administrative Code (NAC) 10 apply to this chapter.

003. CREDENTIALING REQUIREMENTS. To obtain a credential, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the statutory requirements, the requirements in 172 NAC 10, and the requirements in this chapter.

003.01 PHARMACIST LICENSURE. To obtain a pharmacist license an applicant must meet the requirements of Neb. Rev. Stat. § 38-2851 and this chapter.

003.01(A) EDUCATION. Applicants must have sent to the Department directly from the issuing organization an official transcript showing graduation from an accredited pharmacy program; or the Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification given by the National Association of Boards of Pharmacy (NABP).

003.01(B) EXAMINATION. Applicants must have sent to the Department directly from the issuing organization a detailed score report showing successful completion of the following:

- (i) Pass the North American Pharmacist Licensure Examination (NAPLEX) or its predecessor exam given by the National Association of Boards of Pharmacy (NABP) with a score of 75 or above; and
- (ii) Pass the Multistate Pharmacy Jurisprudence Examination (MPJE) for Nebraska given by National Association of Boards of Pharmacy (NABP) with a score of 75 or above.

003.01(C) ADDITIONAL REQUIREMENTS. Applicants must submit to the Department proof of having met one of the following requirements to demonstrate his or her current competency if the applicant has not within the last three years passed the North American Pharmacist Licensure Examination (NAPLEX):

- (i) Has been licensed and in the active practice of the profession of pharmacy in another state, territory, or the District of Columbia for at least 1 year within the 3 years immediately preceding the application for licensure; or
- (ii) Has become board certified in a specialty recognized by the Board of Pharmacy Specialties or its successor within 7 years immediately preceding the application for licensure; or
- (iii) Is licensed as a pharmacist in some other state, territory, or the District of Columbia; or
- (iv) Has completed continuing competency in pharmacy that is approved by the Board of Pharmacy.

003.02 PHARMACIST INTERN REGISTRATION. To obtain a pharmacist intern registration an applicant must meet the requirements of Neb. Rev. Stat. § 38-2854 and submit one of the following:

- (A) Documents from an educational institution showing current enrollment in an accredited pharmacy program;
- (B) Official transcript from an accredited pharmacy program; or
- (C) Copy of the Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification given by National Association of Boards of Pharmacy (NABP).

003.03 PHARMACY TECHNICIAN REGISTRATION. To obtain a pharmacy technician registration an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the requirements of Neb. Rev. Stat. § 38-2890.

004. RENEWAL. The individual must meet the requirements set out in 172 NAC 10 and this chapter.

004.01 CREDENTIAL EXPIRATION DATES. All pharmacist licenses issued by the Department expire on January 1 of each even-numbered year. All pharmacy technician registrations issued by the Department expire on January 1 of each odd-numbered year. Pharmacist intern registrations are not renewable and expire as set out in Neb. Rev. Stat. § 38-2854.

005. CONTINUING COMPETENCY. During the 24 months prior to the license renewal date, individuals holding an active pharmacist license must complete 30 of continuing education hours from an approved continuing education provider, or have obtained or maintained an approved certification as listed in this chapter.

005.01 APPROVED CONTINUING EDUCATION PROVIDERS. The following are approved continuing education providers:

- (A) The Accreditation Council for Pharmacy Education (ACPE);
- (B) The Nebraska Pharmacist Association;

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- (C) The Accreditation Council for Continuing Medical Education (ACCME) Category 1 continuing education; or
- (D) Other providers demonstrating the same quality continuing education standards as those established in the Criteria for Quality of Accreditation Council for Pharmacy Education (ACPE) and approved by the Board of Pharmacy.

005.02 PHARMACY SPECIALTY CERTIFICATION. Certification in a specialty through the Board of Pharmacy Specialties which is obtained or maintained during the renewal period meets the requirement for continuing competency.

005.03 DIABETES EDUCATOR CERTIFICATION. Certification through the National Certification Board of Diabetes Educators (NCBDE) which is obtained or maintained during the renewal period meets the requirement for continuing competency.

006. IDENTIFICATION REQUIREMENTS. Each individual must be properly identified as set out in Neb. Rev. Stat. § 38-124, and this chapter.

006.01 PHARMACIST. Each pharmacist must be identified as a pharmacist while performing the duties of a pharmacist within a facility licensed under the Health Care Facility Licensure Act.

006.02 PHARMACIST INTERN. Each pharmacist intern must be identified as a pharmacist intern while performing the duties of a pharmacist intern.

006.03 PHARMACY TECHNICIAN. Each pharmacy technician must be identified as a pharmacy technician while performing the duties of a pharmacy technician.

007. SUPERVISION OF PHARMACIST INTERN. A pharmacist intern must be supervised as set out in Neb. Rev. Stat. §§ 38-2854 and 38-2866.01. This supervision must be provided by a pharmacist who possesses a Nebraska pharmacist license which is free from disciplinary measures at the time of supervision unless the pharmacist intern is receiving experiential training directed by the accredited pharmacy program in which he or she is enrolled.

007.01 ONE OR MORE SUPERVISORS. Nothing in this chapter will be construed to prohibit 1 pharmacist intern or 1 pharmacy technician from being supervised by more than 1 pharmacist at any time.

007.02 PHARMACIST INTERN. A pharmacist intern must not supervise another pharmacist intern nor a pharmacy technician.

007.03 COMPLIANCE. In the case of a pharmacist intern, the result of failure to comply with any of these standards may be revocation of any credential issued on the basis of such pharmacist internship.

008. UNPROFESSIONAL CONDUCT. Unprofessional conduct includes those acts set out in Neb. Rev. Stat. § 38-179 and this chapter.

- (A) Refusal to cooperate or furnish requested information during a licensing or discipline;

- (B) Any departure from or failure to conform to the ethics of the pharmacy profession, which code of ethics were adopted by the membership of the American Pharmacists Association on October 27, 1994 by a pharmacist;
- (C) Misrepresenting one's credentials in an application submitted to a healthcare facility, insurance company, or prospective employer;
- (D) Refusal to provide professional service to a person because of such person's race, color, religion, sex, ancestry, age, familial status, disability, or national origin;
- (E) Refusal to undergo a competency evaluation as required by the Board of Pharmacy pursuant to Neb. Rev. Stat. § 38-1,112;
- (F) Failure by a pharmacist to ensure a verbal offer to counsel is made, unless specifically exempt as provided in Neb. Rev. Stat. § 38-2869(2)(e);
- (G) Willfully or negligently violating the confidentiality between pharmacy personnel and a patient, except as allowed by law;
- (H) Except as otherwise permitted by law, dispensing, selling, administering, distributing, ordering, or giving to a person, known by the pharmacist to be an addict or any person previously drug dependent, any drug legally classified as a controlled substance;
- (I) Exercising undue influence on the patient in such a manner as to exploit the patient for the financial gain of the pharmacist or of a third party, which includes, but is not limited to, the promotion or sale of services, goods, drugs, devices, or biologicals;
- (J) Refusal to allow access to the records appropriate to practice pharmacy in a facility and required to be kept as set out in 175 NAC 8;
- (K) Return of dispensed drugs or devices to saleable stock, unless specifically allowed by law;
- (L) Dispensing, selling, or administering anabolic steroids to a person for other than therapeutic purposes;
- (M) Practicing pharmacy under a false or assumed name;
- (N) Lack of appropriate direction, collaboration, or supervision of any person employed by, supervised by or assigned to the pharmacist;
- (O) Claiming credit for any continuing competency activities not actually participated in and earned; or
- (P) Any false or misleading statement on a pharmacy self-inspection form.

009. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

010. FEES. Fees are set out in 172 NAC 2.