



January 15, 2025

Dave Wuest
Executive Secretary
Nevada State Board of Pharmacy
985 Damonte Ranch Parkway, Suite 206
Reno, NV 89521
Submitted via teambc@pharmacy.nv.gov

Re: Oppose Proposed Rule Imposing Unworkable Minimum Staffing Levels in Retail Pharmacies

Dear Mr. Wuest,

On behalf of our members operating chain pharmacies throughout the state of Nevada, the National Association of Chain Drug Stores (NACDS) is writing to the Nevada State Board of Pharmacy (Board) to communicate our serious concerns with the proposed rule on minimum staffing levels in retail pharmacies. This rulemaking would impose staffing requirements that would be unrealistic to meet given the available pharmacy workforce and if adopted, could threaten pharmacies' capacity to meet public demand for pharmacy services and jeopardize patient access to care. We urge the Board to vote against this harmful proposal.

Across the country, communities are experiencing a shortage of healthcare workers, and pharmacies have not been spared from this phenomenon. The number of pharmacy school enrollees and pharmacy school graduates are declining.ⁱ According to the Pharmacy Workforce Center's most recent *Pharmacy Demand Report for 2024*, there were 19,312 and 45,196 open positions for pharmacists and pharmacy technicians respectively through the third quarter of last year.^{ii,iii} At the same time, demand for pharmacy services continues to grow. The number of prescriptions filled by retail pharmacies increased from 6.1 billion in 2018 to 6.9 billion in 2023. Additionally, the public has become deeply reliant on neighborhood pharmacies for an array of services such as immunizations, testing services, and other important clinical pharmacy care.

Rather than impose burdensome staffing requirements that could limit pharmacies' ability to deliver pharmacy care, we urge the Board to instead focus on policy changes that allow pharmacies to deploy innovative pharmacy care models and technologies that improve pharmacy efficiencies and enhance capacity to deliver the level of care that patients demand. To this end, we urge the Board to conduct a workgroup that brings together a diverse group of pharmacy stakeholders from different pharmacy practice types with the goal of identifying needed policy changes that empower all types of pharmacies to optimize available pharmacy staff and resources to deliver the level of pharmacy care that Nevadans have come to expect. Notably, the proposed rules only address workload capacity in certain pharmacies, and in all cases exempt institutional pharmacies and pharmacies in correctional facilities from the proposed staffing minimums. Any policy changes to mitigate workload challenges should apply in these types of pharmacies as well.

Lastly, it's concerning that the Board did not follow all requirements of the Nevada Administrative Procedure Act (NAPA) when issuing this proposed rule. Under NRS Chapter 233B.0601 & 233B.0603 which outlines the procedures for state agencies to adopt, amend, or repeal regulations, the Board should have prepared a statement estimating the economic effect of the proposal on regulated entities and the public, but neglected to do so. In this case, the

proposed rule fails to account for the potential impact to the public where minimum staffing requirements tied to prescription volume might reduce pharmacies' capacity to meet public demand for pharmacy care services. Given the detrimental impact of this proposed rule on patient access to care, this rulemaking should not proceed.

NACDS thanks the Board for the opportunity to share our comments and concerns with this rulemaking. If you have any questions or need additional information, please contact NACDS' Mary Staples, Director, State Government Affairs at MS Staples@NACDS.org.

Sincerely,



Steven C. Anderson, FASAE, CAE, IOM
President and Chief Executive Officer
National Association of Chain Drug Stores

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NACDS represents traditional drug stores, supermarkets and mass merchants with pharmacies. Chains operate nearly 40,000 pharmacies, and NACDS' chain member companies include regional chains, with a minimum of four stores, and national companies. Chains employ nearly 3 million individuals, including 155,000 pharmacists. They fill over 3 billion prescriptions yearly, and help patients use medicines correctly and safely, while offering innovative services that improve patient health and healthcare affordability. NACDS members also include more than 900 supplier partners and over 70 international members representing 21 countries. Please visit NACDS.org.

ⁱ <https://www.aacp.org/sites/default/files/2024-10/pharmacy-demand-report-10.31.2024.pdf>

ⁱⁱ IQVIA Report on "The Use of Medicines in the U.S. 2024 Usage and Spending Trends and Outlook to 2028" Available at: <https://www.iqvia.com/insights/the-iqvia-institute/reports-and-publications/reports/the-use-of-medicines-in-the-us-2024>

ⁱⁱⁱ IQVIA Report on "The Use of Medicines in the U.S. 2023 Usage and Spending Trends and Outlook to 2027" Available at: <https://www.iqvia.com/insights/the-iqvia-institute/reports-and-publications/reports/the-use-of-medicines-in-the-us-2023>