ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R018-03

Effective October 21, 2003

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

AUTHORITY: §§1 and 2, NRS 639.070.

Section 1. NAC 639.930 is hereby amended to read as follows:

639.930 The ***computerized*** system must have adequate safeguards to:

1. Prevent access by a person who is not authorized to obtain information from the system; ~~[and]~~

2. ***Prevent access by a person who is not authorized to modify or manipulate information in the system;***

3. Identify ~~[any modification or manipulation of]~~ ***:***

(a) Whether information ***in the system*** concerning a prescription ~~[.]~~ ***has been modified or manipulated;***

(b) The manner in which the information in the system concerning a prescription has been modified or manipulated;

(c) The date on which the information in the system concerning a prescription was modified or manipulated; and

(d) The person who modified or manipulated the information in the system concerning a prescription;

4. Maintain the information identified pursuant to subsection 3; and

5. Prevent the removal of a record of a prescription after the system has assigned a number to the prescription.

Sec. 2. NAC 639.935 is hereby amended to read as follows:

639.935 1. The computerized system must be able to produce a printed record of its contents in a manner that permits an audit of each prescription.

2. The printed record must be provided to the person who requests the record pursuant to NRS 639.238 ~~[within 7 business days]~~ ***immediately*** after he requests the record ~~[.]~~ ***or at a time agreed to by the pharmacist and the person who requests the record.***

3. The computerized system must be able to produce a printed record of:

(a) All prescriptions for controlled substances or dangerous drugs filled by the pharmacy on a particular day;

(b) All prescriptions filled by the pharmacy for a particular controlled substance or dangerous drug within the period specified by the person who requests the record pursuant to NRS 639.238;

(c) All prescriptions filled by the pharmacy which are prescribed by a particular practitioner;

(d) All prescriptions filled by the pharmacy for a particular patient; ~~[and]~~

(e) All patients for whom prescriptions for a particular controlled substance or dangerous drug are filled by the pharmacy ~~[.]~~ ***;***

(f) The information required to be identified and maintained pursuant to subsections 3 and 4 of NAC 639.930; and

(g) The history of each prescription filled by the pharmacy, including, without limitation, a record of each:

(1) Refill of the prescription;

(2) Return of the prescription drug to stock;

(3) Modification or manipulation of information concerning the prescription; and

(4) Other act related to the processing, filling or dispensing of the prescription.

4. A pharmacist who is employed by a pharmacy that uses a computerized system:

(a) May, except as otherwise provided in NRS 639.238, print a record for a patient that does not include all of the information required to be identified and maintained pursuant to subsections 3 and 4 of NAC 639.930; and

(b) Shall, upon request by a member, inspector or investigator of the Board, print a record that includes any or all of the information required to be identified and maintained pursuant to subsections 3 and 4 of NAC 639.930.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R018-03

The State Board of Pharmacy adopted regulations assigned LCB File No. R018-03 which pertain to chapter 639 of the Nevada Administrative Code on September 11, 2003.

Notice date: 8/11/2003 **Date of adoption by agency:** 9/11/2003
Hearing date: 9/11/2003 **Filing date:** 10/21/2003

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

There was no public response expressed relative to this proposed regulation.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

There was no public response expressed relative to this proposed regulation.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

There was no response from affected businesses relative to this proposed regulation.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The proposed regulation was adopted without change as no testimony was offered.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

This regulation should have no economic impact on affected businesses or on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation will have no immediate or long-term economic effects on business or the public.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no cost incurred by the board for enforcement of this regulation.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

8. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

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

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

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