Chapter 639 of NAC

LCB File No. T048-05

ADOPTED TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

(Filed with the Secretary of State on June 20, 2005)

APN DISPENSING REGULATIONS

Section 1. NAC 639.879 shall be amended as follows:

1. An advanced practitioner of nursing who dispenses drugs to a patient ~~[under the direction of a supervising physician or pursuant to NRS 454.00958,]~~ shall do so ~~[by a written prescription, unless the prescription is issued as an oral order from a practitioner]~~ ***in accordance with Nevada law and the collaborative agreement between the advanced practitioner of nursing and his collaborating physician.***.

2. Each prescription dispensed by an advanced practitioner of nursing must be serially numbered and kept in numerical order in a complete, accurate and readily retrievable form. Each record of a prescription must contain:

(a) The name of the patient and, if not readily available from the practitioner's records, the patient's address;

(b) The name, strength and quantity of the prescribed medication;

(c) The name of the prescribing practitioner and classification of his license;

(d) The practitioner's registration number issued by the Drug Enforcement Administration of the United States Department of Justice, if the product is a controlled substance;

(e) The initials of the dispensing practitioner, if the dispensing practitioner did not prescribe the medication;

(f) The directions for use;

(g) The date the prescription was issued; and

(h) The signature of the prescribing practitioner.

3. An advanced practitioner of nursing may dispense dangerous drugs or controlled substances only after the patient has been informed by the advanced practitioner of nursing that the patient may request a written prescription and have it filled at another location of the patient's choosing.

4. Except as otherwise provided in subsections 5 and 6, an advanced practitioner of nursing may not dispense a controlled substance or dangerous drug in an amount which exceeds a ~~[10]~~ ***30***-day supply.

5. An advanced practitioner of nursing may dispense birth control pills in any quantity ordered by prescription.

6. An advanced practitioner of nursing who is employed by a public or nonprofit agency may dispense a controlled substance or dangerous drug in an amount which does not exceed a 90-day supply.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T048-05

The State Board of Pharmacy adopted temporary regulations assigned LCB File No. T048-05 which pertain to chapter 639 of the Nevada Administrative Code on June 1, 2005.

Notice date: 5/2/2005 **Date of adoption by agency:** 6/1/2005
Hearing date: 6/1/2005 **Filing date:** 6/20/2005

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 additional or special costs 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.