**ADOPTED REGULATION OF THE**

**STATE BOARD OF PHARMACY**

**LCB File No. R039-07**

Effective December 4, 2007

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

AUTHORITY: §§1 and 2, NRS 639.070 and 639.0745.

A REGULATION relating to pharmacy; establishing requirements for information concerning prescriptions that may be shared between the computerized systems of pharmacies; and providing other matters properly relating thereto.

**Section 1.** Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

***1. Information concerning prescriptions may be shared between the computerized systems of two or more pharmacies licensed by the Board if:***

***(a) The pharmacies are commonly owned; and***

***(b) The computerized systems for recording information concerning prescriptions share a common database that:***

***(1) Except as otherwise provided in subsection 3, contains all the information concerning a patient that is contained in each computerized system that has access to the common database;***

***(2) Except as otherwise provided in subsection 3, contains all the information concerning a prescription that is contained in each computerized system that has access to the common database;***

*(3) After a prescription has been filled, automatically decreases the number of refills remaining for the prescription, if any, regardless of which pharmacy filled the prescription;*

*(4) Automatically stores any modification or manipulation of information concerning a prescription made by a pharmacy with access to the common database so that the modification or manipulation is available to each pharmacy with access to the common database;*

*(5) Allows access only by a person who is authorized to obtain information from the common database;*

*(6) Requires any person who is authorized to modify or manipulate information concerning a prescription, before modifying or manipulating the information concerning the prescription, to identify himself in the computerized system by:*

*(I) Using a biometric identification technique; or*

*(II) Entering into the computerized system another unique identifier which is approved by the Board and which is known only to and used only by that person;*

*(7) Makes and maintains an unchangeable record of each person who modifies or manipulates information concerning the prescription, that includes, without limitation:*

*(I) The name or initials of the person;*

*(II) An identifier that can be used to determine the pharmacy in which the person modified or manipulated the information concerning the prescription; and*

*(III) The type of activity concerning the prescription that the person performed, including, without limitation, modifying or manipulating the information concerning the prescription;*

*(8) Contains a scanned image of the original prescription if the original prescription is a written prescription; and*

***(9) Provides contact information for the first pharmacist who verifies the correctness of the information contained in the common database concerning the prescription.***

***2. If a pharmacy is the initial pharmacy to receive a written prescription, a pharmacist shall ensure that:***

***(a) The written prescription is numbered consecutively in accordance with NAC 639.914; and***

***(b) The image of the prescription is scanned into the computerized system of the pharmacy.***

***3. If a pharmacy other than the pharmacy that initially received a prescription enters information concerning a prescription into a computerized system for recording information concerning prescriptions, the information must not be accessible from the common database for the purpose of filling or dispensing a prescription until a pharmacist verifies the correctness of the information entered into the computerized system. After verifying that information, the pharmacist shall enter a notation in the computerized system that includes his name, contact information and the date on which he verified the information.***

***4. A pharmacy that fills a prescription using the information from the common database, other than the pharmacy that initially received the prescription, shall:***

***(a) Process the prescription in the same manner as a prescription that is initially received by the pharmacy;***

***(b) Except as otherwise provided in paragraph (c), dispense the prescription in the same manner as a prescription that is initially received by the pharmacy; and***

***(c) Place on the label of the container in which the prescription will be dispensed:***

***(1) The number assigned to the prescription by the pharmacy that initially received the prescription; and***

***(2) An additional number or other identifier that ensures that the number placed on the label pursuant to subparagraph (1) is not confused with a prescription number of the pharmacy that is filling the prescription.***

***5. The filling of a prescription pursuant to the provisions of subsection 4 shall not be considered a transfer of the prescription.***

**Sec. 2.** NAC 639.912 is hereby amended to read as follows:

639.912 A pharmacist shall use a computerized system which meets the requirements contained in NAC 639.910 to store and retrieve information concerning prescriptions. The use of a computerized system does not excuse the pharmacist from maintaining the physical records concerning prescriptions required by law. To qualify for use pursuant to NAC 639.910 to 639.938, inclusive, ***and section 1 of this regulation,*** a computerized system must be able to provide all the information concerning the refilling of prescriptions required by law.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**
**LCB File No. R039-07**

The State Board of Pharmacy adopted regulations assigned LCB File No. R039-07 which pertain to chapter 639 of the Nevada Administrative Code.

**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 one public response expressed relative to this proposed regulation.

All interested parties may obtain a summary of public response by written or verbal request to: Nevada State Board of Pharmacy, 431 West Plumb Lane, Reno, Nevada, 89509.

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

The number of persons who attended the hearing was ___1__.
The number of persons who testified at the hearing was __1___.
The number of agency submitted statements was __1___.

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.

A copy of the letter is attached to this notice.

All interested parties may obtain a summary of public response by written or verbal request to: Nevada State Board of Pharmacy, 431 West Plumb Lane, Reno, Nevada, 89509.

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 amended slightly as a result of testimony offered at the hearing.

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.

Enforcement of the regulation will be performed during annual inspections of all pharmacies. There will be no additional cost incurred by the board.

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.