ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R096-13

Effective March 28, 2014

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

AUTHORITY: §1, NRS 639.070.

A REGULATION relating to pharmacy; revising provisions relating to the transmission of information regarding dispensing of controlled substances to certain persons; and providing other matters properly relating thereto.

Section 1. NAC 639.926 is hereby amended to read as follows:

639.926 1. Each pharmacy that uses a computerized system to record information concerning prescriptions and that dispenses a controlled substance that is listed in schedule II, III or IV to a person who is not an inpatient of a hospital, correctional institution or nursing facility shall transmit to the Board or its agent the ***following*** information ***, as applicable,*** set forth in the ***2011*** *ASAP* ~~[*Telecommunications Format for Controlled Substances*, 2005 edition,]~~ ***Version 4.2 Standard for Prescription Monitoring Programs*** published by the American Society for Automation in Pharmacy ***.*** ~~[, which is]~~ ***The following Segments and the accompanying Data Elements of the Implementation Guide for the 2011 ASAP Version 4.2 Standard for Prescription Monitoring Programs are*** hereby adopted by reference ~~[, except the information relating to the following field names:~~

~~(a) Identifier;~~

~~(b) Bin;~~

~~(c) Version Number;~~

~~(d) Transaction Code;~~

~~(e) Compound Code;~~

~~(f) DEA Suffix;~~

~~(g) Date RX Written;~~

~~(h) Number Refills Authorized;~~

~~(i) RX Origin Code;~~

~~(j) Customer Location;~~

~~(k) Diagnosis Code;~~

~~(l) Alternate Prescriber Number;~~

~~(m) State;~~

~~(n) Zip Code (Extended);~~

~~(o) Triplicate Serial Number; and~~

~~(p) Filler.]~~ ***:***

(a) The Segment entitled "TH Transaction Header" and the following Data Elements:

(1) Version/Release Number;

(2) Transaction Control Number;

(3) Transaction Type;

(4) Response ID;

(5) Creation Date;

(6) Creation Time;

(7) File Type; and

(8) Segment Terminator Character;

(b) The Segment entitled "IS Information Source" and the following Data Elements:

(1) Unique Information Source ID;

(2) Information Source Entity Name; and

(3) Message;

(c) The Segment entitled "PHA Pharmacy Header" and the following Data Elements:

(1) National Provider Identifier (NPI);

(2) DEA Number;

(3) Pharmacy or Dispensing Prescriber Name;

(4) Phone Number;

(5) Contact Name; and

(6) Chain Site ID;

(d) The Segment entitled "PAT Patient Information" and the following Data Elements:

(1) Last Name;

(2) First Name;

(3) Address Information - 1;

(4) City Address;

(5) State Address;

(6) ZIP Code Address;

(7) Phone Number;

(8) Date of Birth; and

(9) Gender Code;

(e) The Segment entitled "DSP Dispensing Record" and the following Data Elements:

(1) Reporting Status;

(2) Prescription Number;

(3) Date Written;

(4) Refills Authorized;

(5) Date Filled;

(6) Refill Number;

(7) Product ID Qualifier;

(8) Product ID;

(9) Quantity Dispensed;

(10) Days Supply;

(11) Transmission Form of Rx Origin Code;

(12) Classification Code for Payment Type; and

(13) Date Sold;

(f) The Segment entitled "PRE Prescriber Information" and the following Data Elements:

(1) National Provider Identifier (NPI);

(2) DEA Number;

(3) DEA Number Suffix;

(4) Last Name;

(5) First Name; and

(6) Phone Number;

(g) The Segment entitled "CDI Compound Drug Ingredient Detail" and the following Data Elements:

(1) Compound Drug Ingredient Sequence Number;

(2) Product ID Qualifier;

(3) Product ID;

(4) Component Ingredient Quantity; and

(5) Compound Drug Dosage Units Code;

(h) The Segment entitled "TP Pharmacy Trailer" and the Data Element Detail Segment Count; and

(i) The Segment entitled "TT Transaction Trailer" and the following Data Elements:

(1) Transaction Control Number; and

(2) Segment Count.

2. A copy of the publication may be obtained from the American Society for Automation in Pharmacy ~~[, 492 Norristown Road, Suite 160, Blue Bell, Pennsylvania 19422, at no charge.]~~ ***at the Internet address http://www.asapnet.org, or by telephone at (610) 825-7783, for the price of $175 for members and $770 for nonmembers.***

3. ~~[If the pharmacy records in its computerized system, in addition to the information required pursuant to subsection 1, the:~~

~~(a) Prescription type;~~

~~(b) Payment type; or~~

~~(c) Identity of the person picking up the prescription,~~

~~and its computerized system is capable of transmitting this information, the pharmacy shall include this information in its transmittal.~~

~~4.]~~ The pharmacy shall transmit the information required pursuant to this section not later than each Wednesday for the prescriptions filled from the immediately preceding Sunday through Saturday. If a Wednesday falls on a legal holiday, then the information must be reported on the next business day that is not a legal holiday.

~~[5.]~~ ***4.*** The information must be transmitted by means of a ~~[:~~

~~(a) Form~~] ***form*** of electronic data transmission approved by the Board, including, without limitation, a computer modem that can transmit information at the rate of 2400 baud or more **.** ~~[~~;

~~(b) Computer disc; or~~

~~(c) Magnetic tape of the kind that is used to transmit information between computerized systems.~~]

R096-13
NAC 639.926
Transmission of Information Regarding Dispensing of Controlled Substances to Certain Persons.

February 14, 2014

INFORMATIONAL STATEMENT

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

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

This amendment is a technical change to an existing regulation that establishes certain data fields for controlled substance information that pharmacies must transmit to the Board's Prescription Monitoring Program (PMP) pursuant to NRS 453.1545. This amendment will update and improve the scope and quality of the data available to practitioners and pharmacies through the PMP Program.

2. 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.

The Board solicited comment on the proposed amendment by (1) posting a summary of the proposed amendment on the Board's website (bop.nv.gov) with a link to the full text of the proposed amendment, (2) soliciting comment from Nevada dispensers who receive Board of Pharmacy notifications using a facsimile notice directed to each, and (3) contacting a representative of each relevant industry association Board Staff deemed likely to have an interest in the proposed amendment. The Board also provided time for public comment at the workshop(s) concerning the proposed amendment, and opened the floor for public comment at the public hearing on the proposed amendment.

Board Staff received no public comment on R096-13, and received comments supporting the regulation from a representative of industry.

Parties interested in obtaining a copy of the summary of the proposed amendment, or that wish to view the text of the proposed amendment, may access that information on the Board's website at bop.nv.gov, or by contacting the Board's office at (775) 850-1440.

3. 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 __20___.
The number of persons who testified at the hearing was __1___.
The number of agency submitted statements was __-0-___.

The name of persons who testified at the hearing:

Liz Macmenamin, Retail Association of Nevada; 410 S. Minnesota Street, Carson City, Nevada 89703-4272; 775-882-1700; lizm@rannv.org

4. 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, by direct mailings to professional and trade associations, posting a summary of the proposed amendment on the Board's website (bop.nv.gov), with a link to the full text of the proposed amendment, and soliciting comment from Nevada pharmacies who receive Board of Pharmacy "Hotline" notifications using a facsimile notice directed to each.

There was no response from affected businesses relative to this proposed regulation, except for the comments provided by the Nevada Retail Association.

Parties interested in obtaining a copy of the summary of the proposed amendment, or that wish to view the text of the proposed amendment, may access that information on the Board's website at bop.nv.gov, or by contacting the Board's office at (775) 850-1440.

5. 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 changes because the proposed amendments are technical in nature. They amend the data fields and the format of the data Nevada pharmacies are required to report to the Nevada Prescription Monitoring Program (PMP). The proposed amendments are minor, necessary for the current PMP software, were unopposed and they received support from an industry representative.

6. 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 adverse or beneficial economic effect on pharmacies or on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

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

7. 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.

8. 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.

9. 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.

10. 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.