

# PROPOSED REGULATION OF THE STATE BOARD OF PHARMACY

## LCB File No. R002-15

Explanation – Language in *blue italics* is new; language in red ~~omitted material~~ is language to be omitted.

### **NAC 639.050 Storage and destruction of certain controlled substances. (NRS 639.070)**

1. Upon the discontinuance of a controlled substance, a controlled substance becoming outdated or the demise of a patient at a facility for skilled nursing or facility for intermediate care which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, any remaining controlled substance dispensed to the patient must be placed in a secured locked compartment. The controlled substance must be secured in the locked container until destroyed in the manner prescribed in NAC 639.498.
2. Each practitioner or pharmacy shall physically separate each controlled substance which is outdated, damaged, deteriorated, misbranded or adulterated from the balance of its stock medications. The practitioner or pharmacy shall destroy such controlled substances at least once each year. The practitioner or pharmacy shall complete Form DEA-41 of the Drug Enforcement Administration, "Registrants Inventory of Drugs Surrendered," to acknowledge the destruction of the controlled substances.
3. This section does not apply to controlled substances packaged in manufacturer's unit-dose packages which are governed by the provisions of NRS 639.267.
4. *Manufacturers, wholesalers, hospitals with an on-site pharmacy, and retail pharmacies may voluntarily administer mail-back programs and maintain collection receptacles. These entities must obtain registration as an authorized collector from the Drug Enforcement Agency to accept controlled substances from an ultimate user. Authorized collectors shall notify the Board in writing of their DEA registration. Authorized collectors must adhere to the disposal regulations incorporated in 21 C.F.R. parts 1300, 1301, 1304, 1305, 1307, and 1317. A copy of the completed DEA-41 form must be submitted to the Board. Authorized hospitals/clinics and retail pharmacies may voluntarily maintain collection receptacles at long-term care facilities.*

### **NAC 639.498 Destruction of certain controlled substances: Requirement; procedure. (NRS 639.070, 639.071)**

1. Except as otherwise provided in subsection 2:
  - (a) At least once each month, the director or a licensed consulting pharmacist shall destroy, on the premises of the facility, the controlled substances described in subsection 1 of NAC 639.050.
  - (b) If the director destroys the controlled substances, the licensed consulting pharmacist shall witness the destruction of the controlled substances. If the licensed consulting pharmacist

destroys the controlled substances, the director shall witness the destruction of the controlled substances.

2. The director may designate a nurse licensed pursuant to chapter 632 of NRS to carry out his or her duties pursuant to this section. The licensed consulting pharmacist may designate a pharmacist licensed pursuant to chapter 639 of NRS to carry out his or her duties pursuant to this section.
3. The controlled substances must be destroyed *in compliance with disposal regulations incorporated in 21 C.F.R. parts 1300, 1301, 1304, 1305, 1307, and 1317.* ~~by~~
  - ~~(a) Flushing them down the toilet or hopper;~~
  - ~~(b) If a container for waste disposal is used, placing the controlled substances in the water in the container for disposal; or~~
  - ~~(c) If the controlled substance is stored in a vial, ampule or other glass container, breaking the container and placing its contents into a container for waste disposal.~~