R047-18
NAC Chapter 639
Prescribing or Dispensing of Controlled Substances
for the Treatment of Pain
June 13, 2018

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

The proposed regulation defines “acute pain” and “course of treatment” as used in AB474; clarifies “initial prescription” as defined in section 51 of AB 474; clarifies “written informed consent” in sections 53 and 54 of AB 474 for practice groups; clarifies “making a good faith effort to obtain and review the medical records of the patient” in paragraph (c) of subsection 1 of section 54 of AB 474; clarifies the application of section 57 of AB 474 requiring a practitioner, other than a veterinarian, to consider certain factors before prescribing a controlled substance listed in schedule II, III or IV.

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 regulation by (1) posting notice, with links to the full text of the proposed regulation, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed regulation to the Board’s website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed regulation on the Board’s website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada dispensing practitioners, and from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed regulation. The Board further provided time for public comment at the workshop(s) concerning the proposed regulation.

Catherine O’Mara, Nevada State Medical Association, spoke in support of R047-18. Ms. O’Mara commented that the regulation provides a clear scope and direction to practitioners. The Nevada State Medical Association supports moving forward with the regulation.

John Goldstein, Comprehensive Cancer Centers of Nevada, spoke in support of R047-18. Mr. Goldstein expressed deep gratitude to the Board for clarifying the regulation.

Jasmine K. Mehta, Nevada State Board of Medical Examiners, provided written comment stating that the Nevada State Board of Medical Examiners voted in favor of R047-18. The regulation clarifies the implementation of Assembly Bill 474 regarding the prescribing of controlled substances.

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: 15
The number of persons who testified at the hearing was: 1
The number of agency submitted statements was: 1

The name of persons who testified at the hearing:

Catherine O'Mara, Nevada State Medical Association
5355 Kietzke Lane, Suite 100 – Reno, NV 89511
(775) 825-6788 - www.nvdoctors.org

John Goldstein – Comprehensive Cancer Centers of Nevada
9820 W. Sunset Road, #100. – Las Vegas, NV
(702) 952-1251

The names of the agencies that submitted statements:

Jasmine K. Mehta – Nevada State Board of Medical Examiners
9600 Gateway Drive – Reno, NV 89521
(775) 688-2559 – nsbme@medboard.nv.gov

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.

The Board solicited comment on the proposed regulation by (1) posting notice, with links to the full text of the proposed regulation, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed regulation to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed regulation on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada dispensing practitioners, and from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed regulation. Further, the Board provided time for public comment at the workshop(s) concerning the proposed regulation.

Catherine O'Mara, Nevada State Medical Association, spoke in support of R047-18. Ms. O'Mara commented that the regulation provides a clear scope and

direction to practitioners. The Nevada State Medical Association supports moving forward with the regulation.

John Goldstein, Comprehensive Cancer Centers of Nevada, spoke in support of R047-18. Mr. Goldstein expressed deep gratitude to the Board for clarifying the regulation.

Jasmine K. Mehta, Nevada State Board of Medical Examiners, provided written comment stating that the Nevada State Board of Medical Examiners voted in favor of R047-18. The regulation clarifies the implementation of Assembly Bill 474 regarding the prescribing of controlled substances.

Parties interested in obtaining a copy of the summary of the proposed regulation, or that wish to view the text of the proposed regulation, 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 Board received no comments from industry or the public requesting any changes. The Board adopted the regulation without change.

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.

There should be no adverse economic impact from this regulation on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

The Board anticipates that there will be no immediate or long-term economic effect on the public, or that any such effects will be negligible.

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.