R083-20
November 10, 2020

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 amendment will add a new section in conformity with AB310 providing for the exemption of a practitioner pursuant to NRS 639.23535(2) from the requirement that a prescription for a controlled substance must be given to a pharmacy by electronic transmission in certain circumstances. The proposed amendment requires a practitioner who is exempt from such requirements to complete and maintain as a readily retrievable record a form furnished by the Board certifying that the practitioner is exempt.

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 notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes 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 amendment 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 amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

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: -15
The number of persons who testified at the hearing was: -3-
The number of agency submitted statements was: -0-
The name of persons who testified at the hearing:

R. Garn Mabey, MD
Obstetrics and Gynecology
2881 North Tenaya
Las Vegas, NV 89128
702-242-8800
Dr. Mabey commented that he utilizes MD Toolbox e-prescribing software which he finds onerous and slows down his practice. He gets requests from pharmacies for non-controlled prescriptions to be electronically prescribed and wants pharmacies to know that not every prescription, only controlled substance prescriptions, must be e-prescribed. Dr. Mabey commented that he will ask for an exemption.

Lisa Woodring
Pediatric Associates
645 North Arlington Avenue,Suite 620
Reno, Nevada 89503-4444
(775) 329-2525
Ms. Woodring commented that other than ADHD drugs, her practice prescribes very little controlled substances. Maintaining e-prescribing software in their practice is approximately $39/month/provider which may be cost-prohibitive.

Elizabeth MacMenamin, VP, Government Affairs
Retail Association of Nevada
410 S. Mountain Street
Carson City, NV 89703 – (775-882-1700)
LizM@rannv.org
Ms. MacMenamin thanked the Board for moving forward with the regulation in a timely manner so practitioners can be prepared for the January 1, 2021, effective date.

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.

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a full text of the proposed amendment 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 amendment. Further, the Board provided time for public comment at the workshop(s) concerning the proposed amendment.

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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.

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 proposed regulation on the regulated entities or on the public. The proposed regulation will benefit the regulated entities that are exempt from NRS 639.23535(2) and therefore benefit the health, safety and welfare of the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

The immediate economic effect on regulated entities will be to grant them a 1-year exemption to comply with NRS 639.23535(2). The long-term effects on the regulated entities are negligible since all will be required to comply with NRS 639.23535(2) after a a 1-year exemption. The immediate and long-term economic effects will be improved pharmaceutical care for 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 amendment does not provide a new or increase of fees.