

**ADOPTED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R157-16

Effective _____, 2017

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

AUTHORITY: §§1-3; NRS 453C.120, as amended by section 2 of Assembly Bill No. 428, chapter 398, Statutes of Nevada 2017, at page 2670, and NRS 639.070.

A REGULATION relating to controlled substances; removing certain requirements concerning the prescription of opioid antagonists; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered pharmacist, with or without a prescription from a health care professional authorized to prescribe an opioid antagonist, to furnish an opioid antagonist in accordance with standardized procedures or protocols developed and approved by the State Board of Pharmacy. (NRS 453C.120, as amended by section 2 of Assembly Bill No. 428, chapter 398, Statutes of Nevada 2017, at page 2670) Existing regulations require a pharmacy in which a registered pharmacist may furnish an opioid antagonist to: (1) implement standardized procedures for furnishing opioid antagonists; (2) maintain certain records; and (3) report certain information to the Board. (Sections 3 and 8-10 of LCB File No. R058-16) **Section 1** of this regulation removes the requirement that such a pharmacy implement standardized procedures for furnishing opioid antagonists and instead makes the implementation of such procedures optional. **Section 2** of this regulation makes a conforming change. **Section 3** of this regulation repeals certain requirements concerning recordkeeping and reporting, and **section 1** removes references to those requirements.

Section 1. Section 3 of LCB File No. R058-16, which was adopted by the State Board of Pharmacy and was filed with the Secretary of State on September 9, 2016, is hereby amended to read as follows:

Sec 3. A pharmacy in which a registered pharmacist may furnish an opioid antagonist pursuant to ~~{section 9 of Senate Bill No. 459, chapter 26, Statutes of Nevada 2015, at page 112 (NRS 453C.120), must}~~ *NRS 453C.120, as amended by section 2 of Assembly Bill No. 428, chapter 398, Statutes of Nevada 2017, at page 2670, may* implement standardized procedures for furnishing opioid antagonists which must *, if implemented,* include, without limitation:

1. A restriction that a registered pharmacist may not delegate his or her authority to furnish an opioid antagonist; *and*
2. Procedures for counseling a recipient of an opioid antagonist pursuant to section 6 of ~~{this regulation;~~
- ~~—3.— Procedures for recordkeeping pursuant to section 9 of this regulation; and~~
- ~~—4.— Reporting requirements pursuant to section 8 of this regulation.}~~ *LCB File No. R058-16.*

Sec. 2. Section 4 of LCB File No. R058-16, which was adopted by the State Board of Pharmacy and was filed with the Secretary of State on September 9, 2016, is hereby amended to read as follows:

Sec. 4. A physician authorized to prescribe an opioid antagonist may establish a written protocol authorizing a registered pharmacist to furnish an opioid antagonist. A protocol established pursuant to this section must include, without limitation:

1. The name of the physician authorizing the furnishing of the opioid antagonist by a registered pharmacist;

2. The opioid antagonist to be furnished by a registered pharmacist;
3. ~~The~~ *Any* standardized ~~policies~~ *procedures* implemented by the pharmacy in which a registered pharmacist will furnish the opioid antagonist pursuant to section ~~2~~ *3* of ~~this regulation;~~ *LCB File No. R058-16, as amended by section 1 of this regulation;*
4. A procedure for the review of the protocol and its operation by the physician at least once annually and a requirement to keep a record of the reviews;
5. Specific instructions relating to the age of the patient, if appropriate;
6. A statement that the opioid antagonist be furnished in accordance with all applicable federal, state and local laws;
7. The signature of the physician authorizing the furnishing of the opioid antagonist by a registered pharmacist and the time period for which the written protocol is effective; and
8. Any other limitations the physician deems necessary.

Sec. 3. Sections 8, 9 and 10 of LCB File No. R058-16 are hereby repealed.

TEXT OF REPEALED SECTIONS

Section 8 of LCB File No. R058-16:

Sec. 8. A registered pharmacist who furnishes an opioid antagonist pursuant to section 9 of Senate Bill No. 459, chapter 26, Statutes of Nevada 2015, at page 112 (NRS 453C.120), shall keep a record of the opioid antagonist furnished and shall report to the State Board of Pharmacy annually, on December 31 of each year, the:

1. Date the opioid antagonist was furnished;
2. Name, strength and route of administration of the opioid antagonist furnished;
3. Quantity of the opioid antagonist furnished; and
4. Location from which the opioid antagonist was furnished.

Section 9 of LCB File No. R058-16:

Sec. 9. 1. Each record required to be made pursuant to this chapter must be kept for at least 2 years by the registered pharmacist and pharmacy which furnished the opioid antagonist.

2. Records required to be made pursuant to this chapter may be maintained in an alternative data retention system, including, without limitation, a computer data processing system or direct imaging system, if:

(a) The records maintained in the alternative data retention system contain all the information required for a written record; and

(b) The alternative data retention system is capable of producing a printed copy of a record upon the request of the State Board of Pharmacy, its representative or any other authorized federal, state or local law enforcement or regulatory agency.

Section 10 of LCB File No. R058-16:

Sec. 10. 1. Except as otherwise provided in this section, all records made and maintained pursuant to sections 8 and 9 of this regulation are confidential and must not be disclosed to the public.

2. A registered pharmacist shall provide adequate security to prevent unauthorized access to confidential records of furnished opioid antagonists. If confidential health information is not transmitted directly between a pharmacy and a physician, but is transmitted through a data communication device, the confidential health information must not be viewed or used by the operator of the data communication device unless the operator is specifically authorized to obtain confidential information pursuant to this subsection.

3. Except as otherwise provided in NRS 49.245, the confidential records of furnished opioid antagonists are privileged and may be released only to:

(a) The recipient of an opioid antagonist or the authorized agent of the recipient of an opioid antagonist;

(b) Physicians and other registered pharmacists when, in the professional judgment of the registered pharmacist, such release is necessary to protect the health and well-being of the recipient of an opioid antagonist;

(c) The State Board of Pharmacy or other federal, state or local agencies authorized by law to receive such information;

(d) A law enforcement agency engaged in the investigation of a suspected violation involving a controlled substance or dangerous drug;

(e) A person employed by any state agency that licenses a physician if such a person is engaged in the performance of his or her official duties; or

(f) An insurance carrier or other third-party payor authorized by a recipient of an opioid antagonist to receive such information.

4. The provisions of this section must not be construed to affect or alter the provisions of NRS 49.215 to 49.245, inclusive, relating to the confidentiality of communications between a doctor and a patient.