

# PROPOSED REGULATION OF THE STATE BOARD OF PHARMACY

## LCB File No. R119-13

Workshop October 17, 2013

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

AUTHORITY: §1, NRS 639.070

**Amendment of Nevada Administrative Code (NAC) Chapter 639. 7105.** The proposed amendment would allow a pharmacist who receives an electronic prescription to keep a paper or electronic copy of the prescription at the pharmacy in a manner that is readily accessible for inspection by the Board, rather than requiring the pharmacist to print and keep on hand a paper copy of the electronic prescription.

**Section 1. Propose to amend NAC 639.7105 as follows:**

**NAC 639.7105 Electronic transmission of prescription.** Except as otherwise provided in NAC 639.711:

1. A prescription for a dangerous drug or a controlled substance listed in schedule II, III, IV or V may be transmitted electronically by a practitioner to a pharmacy.
2. A practitioner shall not transmit a prescription electronically to a pharmacy unless:
  - (a) The practitioner is the only person who will have access to the prescription until it is received by the pharmacy;
  - (b) The patient:
    - (1) Consents to the transmission of the prescription electronically; and
    - (2) Approves the pharmacy where the prescription will be transmitted; and
  - (c) All requirements of 21 C.F.R. Part 1311 are satisfied.
3. In addition to the requirements set forth in NRS 639.2353 and 639.2589, a prescription that is transmitted electronically to a pharmacy must include:
  - (a) The telephone number of the prescribing practitioner;
  - (b) The time and date of the transmission; and
  - (c) The name of the pharmacy to which the prescription is sent.
4. In addition to the requirements set forth in subsection 3 and NRS 639.2353 and 639.2589, a prescription for a controlled substance that is transmitted electronically to a pharmacy must include:
  - (a) The registration number from the Drug Enforcement Administration of the prescribing practitioner; and
  - (b) If the technological capability exists to require such information to be transmitted electronically:
    - (1) The Nevada controlled substance registration number of the prescribing practitioner;
    - (2) The indication for use of the diagnosis code; and
    - (3) The date of the last physician examination of the patient.
5. A pharmacist who receives a prescription that is transmitted electronically shall:

(a) ~~{Print a copy}~~ *Keep a paper or electronic copy* of the prescription ~~{on paper}~~ *that is readily accessible to the personnel of the pharmacy who are authorized to access the prescription records of the pharmacy, and to members of the Board and employees, agents and designees of the Board;* and

(b) Keep a copy of the prescription for at least 2 years after the pharmacist receives the prescription.

6. A pharmacist shall not dispense a prescription that is transmitted electronically until the pharmacist determines that the prescription complies with the requirements of state and federal law.

7. A prescription that is transmitted electronically and complies with the provisions of this section shall be deemed an original prescription.

8. The Board may suspend the privilege of a practitioner to transmit prescriptions electronically if the Board reasonably suspects that the practitioner has transmitted a prescription electronically that is:

- (a) Unlawful;
- (b) Fraudulent; or
- (c) Not for a legitimate medical purpose.