



Legislative Committee on Health Care

Regulatory Update February 20th 2018

J. David Wuest, Deputy Executive Secretary, Nevada Board of Pharmacy

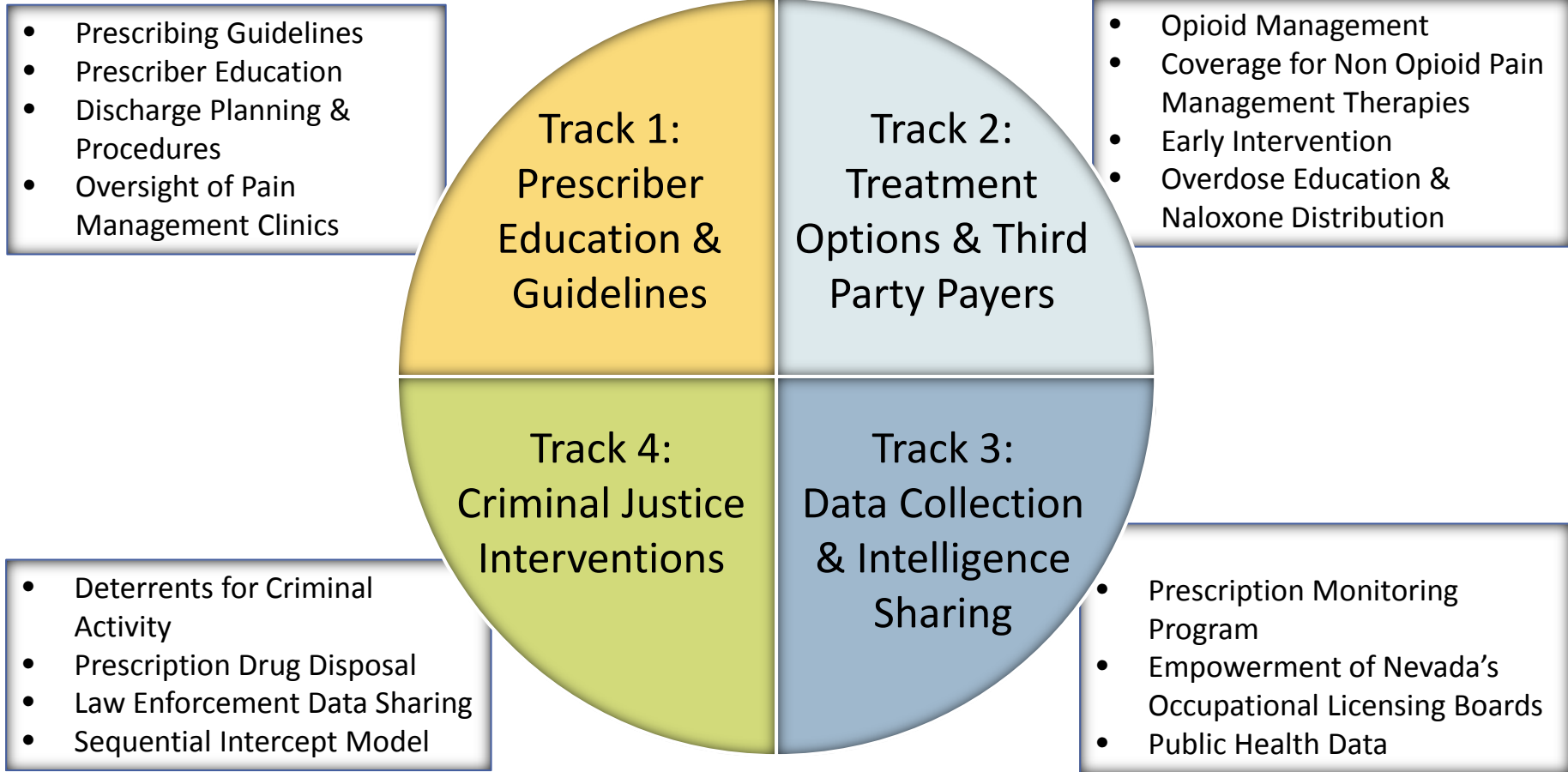
Agenda Item IX A (HEALTH CARE)
Meeting Date: 02-20-18

Bills



- ▶ Senate Bill 459 (2015)
- ▶ Assembly Bill 474 (2017)
- ▶ Senate Bill 59 (2017)

Governor's Prescription Drug Abuse Summit Report



Collaboration, Partnerships, and Information Sharing

- ▶ Licensing boards meeting at least quarterly
- ▶ AB 474 White Paper, FAQ, Templates, and Prescribe365.nv.gov
- ▶ SB 59
 - ▶ Law enforcement, medical examiners and coroners reporting to the PMP
 - ▶ Violations of NRS 453
 - ▶ Overdoses (fatal and non-fatal)
 - ▶ Reports of stolen prescription drugs
- ▶ Grants
 - ▶ DHHS – CDC grant
 - ▶ Providing PMP data (monthly downloads) for:
 - Trend analysis
 - Dashboard
 - Geomapping
 - ▶ Reno Police Department- Harold Rogers Grant
 - ▶ Linking prescription opioid use to heroin arrests

PMP

- ▶ Will contain prescription, law enforcement, medical examiners, and coroner data.
- ▶ Identifies doctor shoppers, and high prescribers and provides unsolicited reports to prescribers, licensing boards, and law enforcement
 - ▶ AB 474 provides uniform method for investigating PMP reports
- ▶ PMP can push data to prescribers
 - ▶ Email capabilities, PMP announcements can be provided directly from PMP to prescribers
- ▶ Prescriber registration will be 100% with AB 474

Prescriber Education/Guidance on Prescribing CS

- ▶ AB 474 – Prescribing guidelines
 - ▶ For initial prescriptions (limited to 14 days), treatment after 30, 90, 365 days
- ▶ 2 hour mandatory CE requirement
 - ▶ Licensing boards working together and have conducted CEs for MDs, DOs, dentists, RNs, APRNs, and optometrists.
- ▶ Notice to prescriber software providers

New Regulations Since AB474

This information must be on the prescription and imported into the PMP

1. Patient's Date of Birth
2. ICD-10 diagnosis code
3. Practitioner's DEA number
 - ▶ If multiple practitioners' names and DEA numbers are pre-printed on the RX, the practitioner must clearly indicate which is his or her name and DEA number
4. Days supply (number of days the RX is intended to last)

NEW COMPONENTS TO A CS PRESCRIPTION

THE FACE OF THIS DOCUMENT HAS A GREEN BACKGROUND

Telephone: (775)765-1234
Fax: (775)765-1243

DEA # MD 1234567
LIC # 3

John Smith, MD
Jane Doe, APN, Susie Lu, APN
Nancy Johnson, PA-C

1234 Friendly Doc. Dr. Reno, NV 89509

1

Name Betty White DOB 1/1/1990 Date 11/10/2017
Address 1234 Smart St. Reno NV 89509

Norco 5/325 $\frac{1}{2}$ po q 4-6 pm. 1CD M57.5 2

#150 (one-hundred-fifty) must last 30 days. 4

Label
 Refill 1-2-3-4-PRN

Jane Doe APN

VERIFICATION BOX RUB BETWEEN THUMB & FOREFINGER OR BREATHE ON IT
COLOR WILL DISAPPEAR THEN REAPPEAR



Future

- ▶ Continue collaboration and improvement in communication
- ▶ Continuing education for practitioners
- ▶ Shared measurements
- ▶ PMP software enhancements and improvements to meet requirements of AB 474 and SB 59
- ▶ Timely adoption of necessary regulations
- ▶ Solicitation of grants

Bona Fide Relationship

- ▶ Both Federal and State Law require a bona fide relationship between the prescriber and the patient prior to prescribing a controlled substance.
- ▶ A bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was examined in person, electronically, telephonically or by fiber optics, including, without limitation, through telehealth.
- ▶ The Boards should help providers to work within the current Laws to provide appropriate care to their patients.

Future Regulations

- ▶ **Amendment of Nevada Administrative Code Chapter 639**
- ▶ Define “acute pain”
- ▶ Define “course of treatment.”
- ▶ Clarify “initial prescription” as defined in section 51 of AB 474.
- ▶ Clarify “written informed consent” in sections 53 and 54 of AB 474 for practice groups.
- ▶ Clarify “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.
- ▶ Clarify the application of section 57 of AB 474.
- ▶ Of course any regulations proposed as a result of the workshop will be subject to review by Legislative Counsel for a determination that they are within the rulemaking authority of the Board and consistent with both the language of AB 474 and the legislative intent.



Thank You For Your Time