Chapter 453 of NAC

LCB File No. T012-07

ADOPTED TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

Filed with the Secretary of State on March 29, 2007

Section 1. NAC 453.440 shall be amended as follows:

1. Except as otherwise provided in subsection 2, each prescription for a controlled substance, other than an oral or electronically transmitted prescription, must contain:

(a) The name of the prescribing practitioner;

(b) The address of the prescribing practitioner if not immediately available to the pharmacist;

(c) The handwritten signature of the prescribing practitioner in nonerasable ink;

(d) The date that the prescription was issued as expressed in the order of month, day and year;

(e) The full name of the patient;

(f) The address of the patient if not immediately available to the pharmacist;

(g) The name, strength and quantity of the drug or drugs prescribed;

(h) The directions for use;

(i) The classification of the license of the prescribing practitioner; and

(j) The registration number from the Drug Enforcement Administration of the prescribing practitioner.

2. A prescription issued by a person who is authorized to prescribe controlled substances in the course of his official duties and who is exempted from registration pursuant to 21 C.F.R. § 1301.23 may be filled if, in lieu of the requirements set forth in paragraphs (a) and (j) of subsection 1, it contains:

(a) The name of the person who issued the prescription stamped or printed on it;

(b) The branch of military service or the agency pursuant to which the person who issued the prescription is authorized to prescribe controlled substances in the course of his official duties; and

(c) The service identification number of the person who issued the prescription. Pursuant to 21 C.F.R. § 1301.23, the service identification number for an employee of the United States Public Health Service is his social security number.

3. Except as otherwise provided in subsection 2 and this subsection, if the registration number of the prescribing practitioner, the address of the prescribing practitioner or the address of the patient is not on the prescription, before filling the prescription, the pharmacist shall write the missing registration number, address or addresses, on the prescription. If the address or addresses are immediately available to the pharmacist by an alphabetical card file, computer, patient profile system or any other system approved by the Board the pharmacist need not write the address or addresses on the prescription. If the pharmacist writes the missing registration number, address or addresses on the prescription, he shall place his initials near the registration number, address or addresses. If the addresses are immediately available to the pharmacist, he shall place on the prescription his initials and a notation indicating the addresses are immediately

available, including, without limitation, “RA,” “readily available,” “in files,” “on computer” or any other similar notation.

4. Except as otherwise provided in subsection 2, if the registration number of the prescribing practitioner, the address of the prescribing practitioner or the address of the patient is not on the prescription and the address of the prescribing practitioner or the address of the patient are not immediately available to the pharmacist, or if the registration number, address or addresses have been added by the patient or a person other than the practitioner, before dispensing the prescription the pharmacist shall:

(a) If the address of the patient is missing or added, obtain:

(1) Positive identification from the patient to verify his identity and address; or

(2) Verification from the practitioner or his agent of the identity and address of the patient.

(b) If the address of the practitioner is missing or added, obtain verification from the practitioner or his agent of the address of the practitioner.

(c) If the registration number of the prescribing practitioner is missing or added, obtain verification from:

(1) The practitioner or his agent; or

(2) The Board or its authorized agent.

The pharmacist shall place his initials and a notation indicating the person who provided the identification or verification to the pharmacist on the prescription.

5. A pharmacist:

(a) May, after obtaining approval of the practitioner who issued the prescription, add or change the following information on a prescription for a controlled substance listed in schedule II:

(1) The strength of the drug prescribed;

(2) The quantity of the drug prescribed; ~~[and]~~

(3) The directions for use ~~[.]~~ ***; and***

(4) The date that the prescription was issued.

(b) May not add or change the following information on a prescription for a controlled substance listed in schedule II:

(1) The name of the patient;

(2) The name of the controlled substance prescribed except that the pharmacist may change the name of the controlled substance to reflect the generic name of the controlled substance if the pharmacist substituted a generic controlled substance for the controlled substance prescribed; ***or***

(3) The signature of the prescribing practitioner ~~[; or~~

~~(4) The date that the prescription was issued]~~ .

(c) Shall:

(1) Initial any addition or change made pursuant to paragraph (a); and

(2) Make a notation on the prescription of:

(I) The date and time that the prescribing practitioner approved the addition or change; and

(II) The reason for the addition or change.

Section 2. NAC 453.450 shall be amended as follows:

1. A pharmacist may dispense a controlled substance listed in schedule II only pursuant to:

(a) A written prescription, including a written prescription described in subsection 1 of NAC 639.711 that is transmitted by a practitioner or his agent by a facsimile machine to a pharmacy; or

(b) An emergency oral prescription authorized by a prescribing practitioner pursuant to NAC 453.420.

2. If a prescription for a controlled substance listed in schedule II is written on the same prescription blank with a prescription for another drug, the pharmacy or dispensing practitioner shall maintain the original prescription blank in the file maintained pursuant to NAC 453.480 for controlled substances listed in schedule II. After the prescription for the controlled substance listed in schedule II is filled, the pharmacy or dispensing practitioner shall make a copy of the prescription blank for each of the other prescriptions written on that prescription blank and file the copy of the prescription blank in the appropriate file maintained pursuant to NAC 453.480. Each copy of the prescription blank filed must include a reference to the serial number of the prescription for a controlled substance listed in schedule II.

3. Each prescription for a controlled substance listed in schedule II must, immediately after filling, be conspicuously cancelled on its face. The cancellation must include the date on which it was filled and the signature and certificate number of the pharmacist who filled it.

4. A practitioner who wishes to issue a prescription for a controlled substance listed in schedule II on which it is indicated that the prescription may not be filled until a future date must use the phrase "Do not fill before (date)" or "Do not dispense until (date)" or other similar words on the prescription to indicate that the prescription may not be filled before the date indicated. The date indicated by the practitioner must ~~[be later than 14 days after the date on which the prescription is written and]~~ not ***be*** later than ~~[6]~~ ***3*** months after the date on which the prescription is written. The date indicated by the practitioner is the date of issue for the purposes of subsection 4 of NRS 453.431. ***No combination of prescriptions under this paragraph may exceed a 90-day supply, determined from the issue date of the earliest of the prescriptions.***

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T012-07

The State Board of Pharmacy adopted temporary regulations assigned LCB File No. T012-07 which pertain to chapter 453 of the Nevada Administrative Code February 23, 2007.

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. 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.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

There was no public response expressed relative to this proposed regulation.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

There was no public response expressed relative to this proposed regulation.

3. 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.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

There was no response from affected businesses relative to this proposed regulation.

4. 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 proposed regulation was adopted with minor changes.

5. 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.

This regulation should have no economic impact on affected businesses or on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation will have no immediate or long-term economic effects on business or the public.

6. 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.

7. 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.

8. 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.

9. 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.