Chapter 639 of NAC

LCB File No. T014-07

ADOPTED TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

Filed with the Secretary of State on March 29, 2007

Section 1. NAC 639.926 shall be amended to as follows:

1. Each pharmacy that uses a computerized system to record information concerning prescriptions and that dispenses a controlled substance that is listed in schedule II, III or IV to a person who is not an inpatient of a hospital, correctional institution or nursing facility shall transmit to the Board or its agent the information set forth in the *ASAP Telecommunications Format for Controlled Substances*, ~~[May 1995]~~ ***2005*** edition, published by the American Society for Automation in Pharmacy, which is hereby adopted by reference, except the information relating to the following field names:

(a) Identifier;
(b) Bin;
(c) Version Number;
(d) Transaction Code;
(e) Compound Code;
(f) DEA Suffix;
(g) Date RX Written;
(h) Number Refills Authorized;
(i) RX Origin Code;
(j) Customer Location;
(k) Diagnosis Code;
(l) Alternate Prescriber Number;
(m) State;
(n) Zip Code (Extended);
(o) Triplicate Serial Number; and
(p) Filler.

2. A copy of the publication may be obtained from the American Society for Automation in Pharmacy, 492 Norristown Road, Suite 160, Blue Bell, Pennsylvania 19422, at no charge.

3. If the pharmacy records in its computerized system, in addition to the information required pursuant to subsection 1, the:

(a) Prescription type;
(b) Payment type; or
(c) Identity of the person picking up the prescription,

and its computerized system is capable of transmitting this information, the pharmacy shall include this information in its transmittal.

4. The pharmacy shall transmit the information required pursuant to this section not later than~~[:~~

~~(a) The 20th day of a month for all prescriptions dispensed on and between the 1st and 15th days of that month; and~~

~~(b) For all prescriptions dispensed on and between the 16th day and the last day of a month, the 5th day of the following month.~~~~]~~ ***each Wednesday for the prescriptions filled on the Sunday through Saturday period immediately preceding. If a Wednesday falls on a legal holiday, then the information shall be reported on the next business day that is not a holiday.***

5. The information must be transmitted by means of a:

(a) Form of electronic data transmission approved by the Board, including, without limitation, a computer modem that can transmit information at the rate of 2400 baud or more;

(b) Computer disc; or

(c) Magnetic tape of the kind that is used to transmit information between computerized systems.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T014-07

The State Board of Pharmacy adopted temporary regulations assigned LCB File No. T014-07 which pertain to chapter 639 of the Nevada Administrative Code on 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 without change as no testimony was offered.

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.