ADOPTED REGULATION OF THE STATE BOARD OF

PHARMACY

LCB File No. R023-97

Effective October 24, 1997

EXPLANATION--Matter in italics is new; matter in brackets [ ] is material to be omitted.

AUTHORITY: §§ 1-5, inclusive, NRS 639.070.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *Each surgical center for ambulatory patients shall:*

1. Register with the board and the Drug Enforcement Administration of the United States Department of Justice to dispense controlled substances;

2. Ensure that each practitioner who dispenses controlled substances in the surgical center is registered with the board and the Drug Enforcement Administration of the United States Department of Justice; and

3. Require each person employed to work in a pharmacy of the surgical center for ambulatory patients and any person with whom the surgical center for ambulatory patients has entered into a contract to provide pharmaceutical services to possess a current state license or certificate to provide such services.

Sec. 3. *1. A surgical center for ambulatory patients shall employ or enter into a contract with a pharmacist to establish policies and procedures which are consistent with the policies and procedures developed pursuant to NAC 639.477 for:*

(a) The storage and dispensing of drugs to patients in the surgical center for ambulatory patients, including, without limitation, drugs that the patients take away from the surgical center for ambulatory patients; and

(b) The proper disposition or destruction of expired or contaminated drugs stored and dispensed at the surgical center for ambulatory patients.

2. The policies and procedures established pursuant to subsection 1 must be maintained, periodically reviewed and dated upon adoption and amendment.

3. The pharmacist employed pursuant to subsection 1 shall:

(a) Visit the surgical center for ambulatory patients at least once each quarter to evaluate the effectiveness of the policies and procedures established and to confirm that the surgical center for ambulatory patients is maintaining documentation of each transaction involving drugs;

(b) Maintain documentation of each visit that he makes pursuant to paragraph (a);

(c) Periodically audit the records of the surgical center for ambulatory patients that involve the dispensing of controlled substances to ensure that the surgical center for ambulatory patients is in compliance with all applicable state and federal laws; and

(d) Submit a report to the board not later than 30 days after determining that the policies and procedures established pursuant to subsection 1 are ineffective, that the surgical center for ambulatory patients is not maintaining documentation of each transaction involving drugs or that the surgical center for ambulatory patients is not in compliance with any applicable state or federal law, explaining the basis for his determination.

Sec. 4. NAC 639.010 is hereby amended to read as follows:

639.010 As used in this chapter, unless the context otherwise requires:

1. “Board” means the state board of pharmacy.

2. “Controlled substances” has the meaning ascribed to it in NRS 0.031.

3. “Dangerous drug” has the meaning ascribed to it in NRS 454.201.

4. “Direct supervision” means the direction given by a supervising pharmacist who is:

(a) On the premises of the pharmacy at all times when the persons he is supervising are working at the pharmacy; and

(b) Aware of the activities of those persons related to the preparation of medications, including the maintenance of appropriate records.

5. “Pharmaceutical technician” means a person who performs technical services in a pharmacy under the direct supervision of a pharmacist and is registered with the board pursuant to NAC 639.240.

6. “Pharmaceutical technician in training” means a person who is registered with the board pursuant to NAC 639.242 in order to obtain the training and experience required to be a pharmaceutical technician pursuant to subparagraph (5) of paragraph (e) of subsection 2 of NAC 639.240, or who is enrolled in a program of training for pharmaceutical technicians that is approved by the board.

7. “Practitioner” has the meaning ascribed to it in NRS 639.0125.

8. “Public or nonprofit agency” means a community health center as defined in 42 U.S.C. § 254c(a) which:

(a) Provides health care primarily to medically underserved persons in a community;

(b) Is receiving a grant issued pursuant to 42 U.S.C. § 254c(d) or, although qualified to receive such a grant directly from the Federal Government, is receiving money from such a grant under a contract with the recipient of that grant; and

(c) Is not a medical facility as defined in NRS 449.1051.

9. "Surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.

Sec. 5. NAC 639.750 is hereby amended to read as follows:

639.750 1. If the services of a local retail pharmacy are not available, the practitioner in charge of the emergency room of a hospital *or of a surgical center for ambulatory patients* may dispense medication in an amount adequate to treat patients in the emergency room *or surgical center for ambulatory patients* during the hours that the local retail pharmacy is closed.

2. If a practitioner dispenses medication at the emergency room of a hospital **[**:**]** *or at a surgical center for ambulatory patients:*

(a) The following information must be maintained for each medication dispensed:

(1) The name of the patient and, if not readily available from the records of the hospital, the address of the patient;

(2) The name, strength and quantity of the medication;

(3) The name of the prescribing practitioner and the classification of his license;

(4) The registration number of the prescribing practitioner that is issued by the Drug Enforcement Administration of the United States Department of Justice, if the medication is a controlled substance;

(5) The signature of the practitioner who dispenses the medication;

(6) The directions for using the medication;

(7) The date the medication is dispensed; and

(8) The signature of the prescribing practitioner . **[**;**]**

(b) The medication must be dispensed in a container in accordance with NAC 639.740.

(c) A label that contains the following information must be affixed to the container:

(1) The date;

(2) The name of the prescribing practitioner;

(3) The name of the patient;

(4) The number of dosage units;

(5) Specific directions for use;

(6) The expiration date of the medication;

(7) The proprietary or generic name of the medication;

(8) The strength of the medication;

(9) The initials of the practitioner who dispenses the medication; and

(10) The following warning:

Caution: Do not use with alcohol or **[**nonprescribed**]** *nonprescription* drugs without consulting the prescribing practitioner.