LCB File No. T013-01

ADOPTED TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

(Effective February 8, 2001)

453.420 NAC Dispensing of schedule II controlled substance in emergency. (NRS 453.221, 453.256)

1. In an emergency situation, a pharmacist may dispense a controlled substance listed in schedule II upon receiving the oral authorization of a prescribing individual practitioner, if:

(a) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period. Any dispensing beyond the emergency period must be pursuant to a written prescription signed by the prescribing practitioner.

(b) The pharmacist immediately reduces the prescription to writing and:

(1) The prescription contains all information required pursuant to NAC 453.440, except for the signature of the prescribing practitioner;

(2) He writes on its face "Authorization for Emergency Dispensing" and the date of the oral order; and

(3) He makes a reasonable effort to determine that the oral authorization came from a registered practitioner when the practitioner is not personally known to him, which may include, without limitation, a telephone call to the telephone number of the practitioner as listed in the telephone directory or other attempts in good faith to verify the identity of the practitioner.

2. The prescribing practitioner, within ~~[72 hours]~~ ***7 days*** after authorizing an emergency oral prescription, shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. The written prescription may be delivered to the pharmacist in person or by mail. If the written prescription is delivered by mail, it must be postmarked within the ~~[72 hours]~~ ***7 day*** period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral emergency prescription which had earlier been reduced to writing.

3. The pharmacist shall notify the board if the prescribing practitioner fails to deliver a written prescription to him pursuant to this section. The failure of the pharmacist to so notify the board voids his authority to dispense a controlled substance listed in schedule II without a written prescription of a prescribing practitioner pursuant to this section.

[Bd. of Pharmacy, § 453.270, eff. 6-26-80]—(NAC A by R020-98, 4-17-98; R111-99, 11-3-99)

Workshop 10/26/00
Public Hearing 1/25/01

LCB File No. T013-01

INFORMATIONAL STATEMENT

NAC453.420

February 7, 2001

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 cost 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.