

LCB File No. R035-02

**PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

FULFILLMENT PHARMACY REGULATIONS

(Ver. 2/15/01)

Section 1. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. “Dispensing pharmacy” means a pharmacy licensed by the board that sends prescriptions to a fulfillment pharmacy for filling and that then dispenses the prescription to the ultimate user.*
- 2. “Fulfillment pharmacy” means a pharmacy licensed by the board that fills prescriptions on behalf of another pharmacy licensed by the board.*

Section 2. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. A fulfillment pharmacy may fill a prescription for a dispensing pharmacy provided:
 - (a) The prescription data is entered by the dispensing pharmacy into its computer system;*
 - (b) The prescription data is transmitted from the dispensing pharmacy’s computer system to the fulfillment pharmacy’s computer system confidentially and securely;*
 - (c) The dispensing pharmacy’s computer system transmits to the fulfillment pharmacy’s computer system the manufacturer and National Drug Code number of a generic drug in stock that it would have used to fill a prescription if the prescription had not been transmitted to the fulfillment pharmacy for filling;*
 - (d) Both pharmacies’ computer systems comply with Nevada law;*
 - (e) The dispensing pharmacy’s computer system makes and retains a record documenting the date, time, and identity of the fulfillment pharmacy to which the prescription was transmitted;*
 - (f) The dispensing pharmacy’s computer system automatically decrements the prescription’s refills that are filled by the fulfillment pharmacy.**

(g) The fulfillment pharmacy labels the prescription container in compliance with NRS 639.2801 using the dispensing pharmacy's label or a label that contains the dispensing pharmacy's mandatory information;

(h) A pharmacist employed by the dispensing pharmacy verifies the correctness of the prescription when it is received from the fulfillment pharmacy and makes a written notation on the prescription or the refill log denoting the name of the pharmacist at the dispensing pharmacy who performed the verification and the date on which he performed the verification; and

(i) That if the fulfillment pharmacy fills a prescription with a generic drug manufactured by a manufacturer different than the manufacturer in use at the dispensing pharmacy, then:

(i) The fulfillment pharmacy must show on the prescription label the manufacturer of the generic drug used by the fulfillment pharmacy to fill the prescription and the fulfillment pharmacy's computer must transmit to the dispensing pharmacy's computer the manufacturer, National Drug Code number, and price of the generic drug used to fill the prescription; or

(ii) If the fulfillment pharmacy's computer is incapable of transmitting the data required in subsection (i), then the fulfillment pharmacy must not fill the prescription and must notify the dispensing pharmacy that it cannot fill the prescription so that the prescription can be filled by the dispensing pharmacy.

2. The transmission of a prescription by a dispensing pharmacy to a fulfillment pharmacy pursuant to subsection 1 is not a transfer of a prescription.

3. The dispensing pharmacy is responsible to assure that a patient has been counseled in compliance with NRS 639.266 and NAC 639.707 and 639.708 and all communications with the patient shall be made by and through the dispensing pharmacy.

4. Both the fulfillment pharmacy and the dispensing pharmacy may each be responsible for ensuring that the prescription has been correctly filled.

5. Prescriptions for controlled substances in schedule II may not be transmitted by a dispensing pharmacy to a fulfillment pharmacy to be filled.

6. If the fulfillment pharmacy and the dispensing pharmacy are under common ownership, then the pharmacies must comply with the provisions of paragraph 1 except that they do not need to comply with subsection (c), (h), and (i).