LCB File No. T022-03

ADOPTED TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

Filed with the Secretary of State on March 28, 2003

AMENDMENT TO THE COUNSELING REGULATIONS
(2/5/03)

Section 1. NAC 639.707 is hereby amended as follows:

NAC 639.707 Counseling of patients: Duties of pharmacist or intern pharmacist.

1. Except as otherwise provided in this section, a pharmacist or intern pharmacist under the supervision of a pharmacist shall~~[~~:

~~(a) V~~] ***v***erbally provide a patient or a person caring for the patient with information about each prescription drug or device dispensed to the patient, including, without limitation:

(~~[1]~~***a***) The name and a description of the drug;

(~~[2]~~***b***) The form of dosage, dose, route of administration and duration of drug therapy;

(~~[3]~~***c***) The intended use of the drug or device and expected responses from that use;

(~~[4]~~***d***) Any special directions and precautions for the preparation, administration and use of the drug or device by the patient;

(~~[5]~~***e***) Any common severe side effects, interactions and contraindications that may occur, recommendations to avoid these side effects, interactions or contraindications, and the action required if they occur;

(~~[6]~~***f***) Techniques for the patient or the person caring for the patient to monitor the drug therapy;

(~~[7]~~***g***) Proper storage of the drug or device;

(~~[8]~~***h***) Information about refilling the prescription;

(~~[9]~~***i***) Actions to be taken in the event of a missed dose;

(~~[10]~~***j***) Any relevant information contained in the record of medication of the patient; and

(~~[11]~~***k***) Any other information which, in the professional judgment of the pharmacist or intern pharmacist, is necessary to assure the safe and effective use of the drug or device by the patient; and

~~[(b) Use his professional judgment to determine the extent of information necessary to counsel the patient or a person caring for the patient if that drug or device has been previously dispensed to the patient and that patient or the person caring for the patient has received prior counseling regarding that drug or device.]~~

2. The pharmacist or intern pharmacist shall provide the information required in subsection 1:

(a) To a patient for whom the prescription is new to that patient at that pharmacy; and

(b) To a patient for whom the prescription is a refill or where the patient has previously received a prescription for the same drug from that pharmacy where, in his professional judgment:

(i) Such information would further or improve the patient's drug therapy; or

(ii) The pharmacist's or intern pharmacist's review of the patient's information required in subsection 4 raises a reasonable concern regarding the safety or efficacy of the patient's drug therapy in view of the factors in subsection 4.

~~[2.]~~***3***. The pharmacist or intern pharmacist shall provide the information required pursuant to subsection 1 in written form to the patient if a drug or device will be distributed to the patient outside the confines of the pharmacy by mail or any other delivery service. A pharmacist or intern pharmacist is not required to provide written information pursuant to this subsection if the drug or device is being delivered to a patient who is in a licensed medical facility where other licensed health care professionals are authorized to administer drugs.

~~[3.]~~***4***. The pharmacist or intern pharmacist shall review a patient's record before dispensing a prescription to determine its therapeutic appropriateness by considering:

(a) Overutilization of the drug and drug abuse;

(b) Underutilization of the drug and therapeutic ineffectiveness;

(c) Therapeutic duplications and contraindications;

(d) Interactions between the drug and any:

(1) Other drugs which the patient is taking or has recently taken;

(2) Diseases which the patient has, including any stages of that disease; and

(3) Allergies that the patient may have; and

(e) Incorrect dosage or duration of treatment.

~~[4.]~~***5***. A pharmacist or intern pharmacist is not required to counsel a patient pursuant to this section if the patient or a person caring for the patient refuses to accept the counseling. The pharmacist or intern pharmacist shall***:***

(a) ~~[i]~~ ***I***nitial ***by hand at the time of counseling*** a ***paper*** document that is maintained at the pharmacy to record whether counseling was provided to or refused by a patient or the person caring for the patient~~[,]~~ ***or***

(b) Create an initial or other identifying mark in a record in the pharmacy's computer system that would indicate whether counseling was provided to or refused by a patient as long as the pharmacy's computer system:

(1) Records indelibly the date and time at which the initial or identifying mark were entered into the pharmacy's computer system;

(2) Requires the entry of the initial or identifying mark every time a record regarding counseling is made; and

(3) Prohibits the entry of a record regarding counseling by a person other than the pharmacist who has performed or attempted the counseling of a patient.

~~[and]~~ ***A pharmacy*** shall retain ~~[that]~~ ***the*** documentation in the records of the pharmacy for at least 2 years.

6. The pharmacist or intern pharmacist is not required to enter onto or to initial the document maintained at the pharmacy any refill prescription for which the pharmacist either did not counsel or for which counseling was refused by the patient, but a pharmacist or intern pharmacist must enter onto or initial the document maintained at the pharmacy any refill prescription for which the pharmacist did counsel and the patient accepted the counseling.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T022-03

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.

Enforcement of the regulation will be performed during annual inspections of all pharmacies. There will be no additional cost incurred by the board.

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.