

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

LCB File No. R154-04

August 17, 2004

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

AUTHORITY: §§1 and 2, NRS 639.070.

A REGULATION relating to pharmacies; establishing requirements for drive-through facilities at licensed pharmacies; and providing other matters properly relating thereto.

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

1. Except as otherwise provided in subsections 3 and 4, if a licensee provides pharmacy services by means of a drive-through facility, the drive-through facility must:

(a) Be constructed and maintained in a manner, and with materials, that secures the premises of the pharmacy from unlawful or unauthorized access.

(b) Be readily accessible to the personnel of the pharmacy who are authorized to be in the prescription department.

(c) Provide two-way visual and auditory communication between the personnel of the pharmacy and a patient receiving pharmacy services by means of the drive-through facility.

(d) Be equipped with a computer terminal that is part of the pharmacy's computerized system for recording information concerning prescriptions. The terminal must be so located within the prescription department that personnel of the pharmacy when providing pharmacy

services to a patient by means of the drive-through facility can use the computer terminal without losing visual or auditory communication with the patient.

(e) Be so equipped that a pharmacist, or intern pharmacist under the supervision of a pharmacist, can provide a patient receiving pharmacy services by means of the drive-through facility with the counseling required in NAC 639.707 without losing visual or auditory communication with the patient.

2. A licensee shall not provide pharmacy services by means of a drive-through facility that does not include a window, or other opening, in the exterior wall of the pharmacy unless the licensee first applies for, and obtains, the approval of the Board.

3. The Board may, upon application, and for good cause shown, waive or modify any requirement set forth in this section.

4. The requirements set forth in subsection 1 do not apply to a drive-through facility that is in use on the effective date of this regulation, except that those requirements do apply if the pharmacy or prescription department is remodeled and the remodeling is subject to the notification requirement of NAC 639.535, or if the drive-through facility is remodeled, changed or altered in any way, and the licensee shall bring the drive-through facility into compliance with those requirements.

5. As used in this section:

(a) "Drive-through facility" means any combination of structural, mechanical, electronic or other elements located within and without the prescription department of a licensed pharmacy that enables the personnel of the pharmacy to provide pharmacy services to a patient who drives a vehicle to the pharmacy without the personnel of the pharmacy leaving the prescription department or the patient leaving his vehicle. The term includes, without

limitation, a window or other opening in the exterior wall of a prescription department of a licensed pharmacy, alone, or in conjunction with one or more mechanical, electronic or other devices.

(b) "Licensee" means a person licensed by the Board pursuant to NRS 639.231 to conduct a pharmacy.

(c) "Patient" includes a person caring for a patient.

Sec. 2. NAC 639.912 is hereby amended to read as follows:

639.912 A pharmacist ~~may~~ *shall* use a computerized system which meets the requirements contained in NAC 639.910 to store and retrieve information concerning prescriptions. The use of a computerized system does not excuse the pharmacist from maintaining the physical records concerning prescriptions required by law. ~~In order to~~ *To* qualify for use pursuant to NAC 639.910 to 639.938, inclusive, a computerized system must be able to provide all ~~of~~ the information concerning the refilling of prescriptions required by law.