

**LCB File No. R155-04**

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

**AMENDMENT TO THE PRESCRIPTION TRANSFERRING REGULATIONS  
TO ALLOW FOR FAX TRANSFERS**

**Section 1.** NAC 639.713 is hereby amended as follows:

1. Except as otherwise provided in subsections 4 *and* 5, a transfer of information between pharmacies relating to a prescription for a dangerous drug or controlled substance for the purpose of filling and dispensing that prescription is subject to the following conditions:

(a) Information relating to a prescription and any remaining number of refills may be transferred orally, *by facsimile machine*, or by a computer.

(b) An oral transfer must be communicated directly between two registered pharmacists.

(c) The original and the transferred prescriptions must be maintained for 2 years after the date on which the prescription was filled.

(d) Information relating to a prescription may be transferred by a computer if:

(1) The computer that transfers the information reduces, at the time the information is transferred, the number of refills authorized by the original prescription; and

(2) The computer that receives the information allows the transfer of the prescription for a controlled substance only once.

2. A pharmacist who receives a prescription for a controlled substance which has been transferred by a computer shall inform the patient that the prescription may be transferred only once.

3. A pharmacy shall not, without first notifying the Board:

(a) Sell, give or otherwise transfer all its prescription files, including information relating to patients and practitioners, to another pharmacy, including a pharmacy under its control or ownership; or

(b) Receive all the prescription files, including information relating to patients and practitioners, from another pharmacy, including a pharmacy under its control or ownership.

↪ A file transferred pursuant to this subsection is not a transfer of information between pharmacies for the purposes of subsection 1, *regardless of whether the transfer is effected before or after the prescription has been filled one or more times.*

*4. A prescription may be transferred from a pharmacy to another pharmacy through the use of a facsimile machine subject to the following conditions:*

*(a) The facsimile transmission from the transferring pharmacy includes all of the information required by this section and NRS 639.2353, which may be satisfied through an accurate printing of the pharmacy's computer screen related to the prescription and either:*

*(i) A copy of the original prescription maintained in the transferring pharmacy's files on which the pharmacist at the transferring pharmacy has also placed his signature and handwritten license number; or*

*(ii) The signature and handwritten license number of the pharmacist at the transferring pharmacy on the face of the facsimile transmission by which the pharmacist is indicating his intent to transfer the prescription.*

*(b) The facsimile transmission is only prepared and transmitted by a pharmaceutical technician or a pharmacist at the transferring pharmacy.*

*(c) The pharmacist at the transferring pharmacy processes the original prescription in conformance with NAC 639.714(1)(a) and (b)(1), (2), and (3) and processes the prescription in the pharmacy's computer system in conformance with NAC 639.714(3), except that a pharmacy transferring a prescription that maintains a scanned copy of the prescription in its computer system does not need to comply with the requirements of NAC 639.714(1)(a) and (b)(1), (2), and (3) and may, instead, cancel the prescription in the computer system in such a way that the prescription cannot be filled again in that pharmacy.*

**[4.] 5.** A prescription for a controlled substance listed in schedule II must not be transferred pursuant to the provisions of this section.