

LCB File No. R157-04

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

**AMENDMENT TO THE REPORTING REQUIREMENTS TO THE NEVADA  
PRESCRIPTION CONTROLLED SUBSTANCES ABUSE  
PREVENTION TASK FORCE**

**Section 1.** NAC 639.926 is hereby amended as follows:

1. Each pharmacy that uses a computerized system to record information concerning prescriptions and that dispenses a controlled substance that is listed in schedule II, III or IV to a person who is not an inpatient of a hospital, correctional institution or nursing facility shall transmit to the Board or its agent the information set forth in the *ASAP Telecommunications Format for Controlled Substances*, May 1995 edition, published by the American Society for Automation in Pharmacy, which is hereby adopted by reference, except the information relating to the following field names:

- (a) Identifier;
- (b) Bin;
- (c) Version Number;
- (d) Transaction Code;
- (e) Compound Code;
- (f) DEA Suffix;
- (g) Date RX Written;
- (h) Number Refills Authorized;
- (i) RX Origin Code;
- (j) Customer Location;
- (k) Diagnosis Code;
- (l) Alternate Prescriber Number;
- (m) State;
- (n) Zip Code (Extended);
- (o) Triplicate Serial Number; and
- (p) Filler.

*2. If a pharmacy gathers and maintains data for any of the following field names, it shall provide the data for whichever of the following field names as part of its transmitted information under this section:*

- (a) Prescription Type;*
- (b) Payment Type; or*
- (c) Identification of Person Picking Up Prescription.*

~~[2.]~~ 3. A copy of the publication may be obtained from the American Society for Automation in Pharmacy, 482 Norristown Road, Suite 112, Blue Bell, Pennsylvania 19422, at no charge.

~~[3.]~~ 4. The pharmacy shall ensure that ~~[, not later than the 15th day of the month immediately following the month in which the prescription was dispensed,]~~ the information required pursuant to subsection 1 is transmitted to the Board or its agent by a:

(a) Computer modem that can transmit information at the rate of 2400 baud or more *or other form of electronic transfer of data*;

(b) Computer disc; or

(c) ~~[Cassette containing m]~~ Magnetic tape which is ~~[1/4 of an inch wide and is]~~ used to transmit information between computerized systems.

4. ~~[Upon a showing of good cause, the Board may, for a period of 90 days, waive the requirements set forth in this section for a pharmacy that cannot transmit the information required pursuant to subsection 1 before January 1, 1997. The Board may renew the waiver.]~~  
*The pharmacy shall ensure that the information transmitted pursuant to this section is transmitted by:*

*(a) The 5th day of each month for data generated from the 15th day of the preceding month to the last day of the preceding month; and*

*(b) The 20th day of each month for data generated from the 1st day of that month to the 15th day of that month.*

**Section 2.** NAC 639.745 shall be amended as follows:

**NAC 639.745 Dispensing practitioner: Duties concerning records of controlled substances and dangerous drugs dispensed for use outside his presence.** (NRS 639.070)

1. Each practitioner who is registered with the Board to dispense controlled substances and dangerous drugs and dispenses such products for use by his patients outside his presence, shall:

(a) Keep complete, accurate and readily retrievable records of each controlled substance and dangerous drug purchased and dispensed. The record for each such product dispensed to a patient must include:

(1) The name of the patient and, if not readily available from the practitioner's records, the patient's address;

(2) The name, strength and quantity of the prescribed controlled substance or dangerous drug;

(3) The directions for use;

(4) The date the prescription was issued; and

(5) A unique identifying number.

(b) Maintain a separate file for the records concerning the purchase of each controlled substance listed in schedule II and a separate file for the records concerning the dispensing of each controlled substance listed in schedule II. Each prescription for a controlled substance or dangerous drug must be maintained in a separate file pursuant to the requirements set forth in NAC 453.480.

(c) Keep all controlled substances and dangerous drugs in a locked storage area. Access to the storage area must be restricted to the persons described in NRS 453.375.

(d) Ensure that each package or container in which a controlled substance is dispensed, except samples in the manufacturer's packages, is clearly labeled pursuant to the requirements set forth in NRS 639.2801.

(e) Ensure that the package or container in which a controlled substance or dangerous drug is dispensed complies with all state and federal packaging requirements~~[ ]~~;

*(f) Transmit to the Board or its agent the information set forth in the ASAP Telecommunications Format for Controlled Substances, May 1995 edition, published by the*

*American Society for Automation in Pharmacy, which is hereby adopted by reference, except the information relating to the following field names:*

- (1) Identifier;*
- (2) Bin;*
- (3) Version Number;*
- (4) Transaction Code;*
- (5) Compound Code;*
- (6) DEA Suffix;*
- (7) Date RX Written;*
- (8) Number Refills Authorized;*
- (9) RX Origin Code;*
- (10) Customer Location;*
- (11) Diagnosis Code;*
- (12) Alternate Prescriber Number;*
- (13) State;*
- (14) Zip Code (Extended);*
- (15) Triplicate Serial Number; and*
- (16) Filler.*

*(g) If a practitioner gathers and maintains data in any of the following field names, transmit the data from whichever of the following field names as part of its transmitted information under this section:*

- (i) Prescription Type;*
- (ii) Payment Type; or*
- (iii) Identification of Person Picking Up Prescription.*

*2. A copy of the publication referred to subsection 1(f) may be obtained from the American Society for Automation in Pharmacy, 482 Norristown Road, Suite 112, Blue Bell, Pennsylvania 19422, at no charge.*

*3. The practitioner shall ensure that the information required pursuant to subsection 1(f) is transmitted to the Board or its agent by a:*

- (a) Computer modem that can transmit information at the rate of 2400 baud or more or other form of electronic transfer of data;*
- (b) Computer disc; or*
- (c) Magnetic tape which is used to transmit information between computerized systems.*

*4. The practitioner shall ensure that the information transmitted pursuant to this section is transmitted by:*

- (a) The 5th day of each month for data generated from the 15th day of the preceding month to the last day of the preceding month; and*
- (b) The 20th day of each month for data generated from the 1st day of that month to the 15th day of that month.*

~~[2-]~~ *5. A practitioner may dispense dangerous drugs or controlled substances only after the patient has been informed by the practitioner that the patient may request a written prescription and have it filled at another location of the patient's choosing.*

~~[3-]~~ *6. A record regarding the dispensing of a controlled substance or dangerous drug made and kept pursuant to this section must be maintained on paper or in a computer. If the record is:*

- (a) Maintained on paper, the record must:*

(1) Include all the information required to be on the prescription pursuant to NRS 639.2353 and NAC 453.440;

(2) Set forth on the front of the prescription a certification initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and

(3) Be serially numbered and kept in numerical order in a single file for all dispensing practitioners, including, without limitation, physician assistants and advanced practitioners of nursing, practicing at the same location.

(b) Maintained in a computer, the record must:

(1) Include all the information required to be on the prescription pursuant to NRS 639.2353 and NAC 453.440;

(2) Contain a certification, either in the computer or a separate paper document, initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and

(3) Be searchable for any item required by paragraph (a) of subsection 1 to be included in the record.

**Section 3.** NAC ch. 639 shall be amended to add the following new language:

*Every pharmacy shall have until December 31, 2004 to comply with the requirements of Section 1 and every practitioner shall have until until December 31, 2004 to comply with the requirements of Section 2, subsections 1(f), 3, and 4. A pharmacy or practitioner may seek an extension of time beyond December 31, 2004 upon a showing of good cause, which extension of time must be sought in writing received by the Board's Reno office no later than November 30, 2004.*