Chapter 453 of NAC

LCB File No. T010-06

ADOPTED TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

Filed with the Secretary of State on January 12, 2007

Section 1. NAC 453.450 shall be amended to as follows:

1. A pharmacist may dispense a controlled substance listed in schedule II only pursuant to:

(a) A written prescription, including a written prescription described in subsection 1 of NAC 639.711 that is transmitted by a practitioner or his agent by a facsimile machine to a pharmacy; or

(b) An emergency oral prescription authorized by a prescribing practitioner pursuant to NAC 453.420.

2. ***A prescription blank may contain more than one controlled substance listed in schedule II. A prescription blank that has a controlled substance listed in schedule II may include other controlled substances not in schedule II and other prescription drugs.*** If a prescription for a controlled substance listed in schedule II is written on the same prescription blank with a prescription for another drug***, including another controlled substances listed in schedule II***, the pharmacy or dispensing practitioner shall maintain the original prescription blank in the file maintained pursuant to NAC 453.480 for controlled substances listed in schedule II. After the prescription for the controlled substance listed in schedule II is filled, the pharmacy or dispensing practitioner shall make a copy of the prescription blank for each of the other prescriptions written on that prescription blank and file the copy of the prescription blank in the appropriate file***s*** maintained pursuant to NAC 453.480. Each copy of the prescription blank filed must include a reference to the serial number of the prescription for a controlled substance listed in schedule II ***or to the first prescription for a controlled substance listed in schedule II that was filled by the pharmacy if there are more than one controlled substances listed in schedule II on a blank***.

3. Each prescription for a controlled substance listed in schedule II must, immediately after filling, be conspicuously cancelled on its face. The cancellation must include the date on which it was filled and the signature and certificate number of the pharmacist who filled it. ***If a patient or the patient's agent requests that a written prescription for a controlled substance listed in schedule II be returned, the pharmacist shall return the written prescription to the patient even if the pharmacist has already cancelled the prescription pursuant to this paragraph except that the pharmacist may not return a written prescription to a patient where the filled prescription has already been dispensed to and received by the patient. The pharmacist who receives a cancelled prescription under this paragraph shall verify with a pharmacist at the pharmacy that cancelled the prescription that the prescription had not been filled by that pharmacy.***

4. A practitioner who wishes to issue a prescription for a controlled substance listed in schedule II on which it is indicated that the prescription may not be filled until a future date must use the phrase "Do not fill before (date)" or "Do not dispense until (date)" or other similar words

on the prescription to indicate that the prescription may not be filled before the date indicated. ~~[The date indicated by the practitioner must be later than 14 days after the date on which the prescription is written and not later than 6 months after the date on which the prescription is written. The date indicated by the practitioner is the date of issue for the purposes of subsection 4 of NRS 453.431.]~~ ***Any prescription under this paragraph:***

(a) May not be combined on a prescription blank or other document with a prescription for any other dangerous drug or controlled substance; and

(b) Must contain as the date of issue the date on which the practitioner actually creates the prescription.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T010-06

The State Board of Pharmacy adopted regulations assigned LCB File No. T010-06 which pertain to chapter 453 of the Nevada Administrative Code.on December 13, 2006.

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.