Chapter 639 of NAC

LCB File No. T013-06

ADOPTED TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

Filed with the Secretary of State on November 21, 2006

USE OF RETAIL DELIVERY DEVICE

Section 1. NAC chapter 639 shall be amended to add the following new language:

1. A pharmacy may use a mechanical device to deliver prescriptions to a patient where the device:

(a) Contains only prescriptions for which counseling is not required by NAC 639.707(1);

(b) Cannot be used by a patient unless the patient has previously indicated to the pharmacy that he desires that his prescriptions to be delivered by the mechanical device;

(c) Contains only prescriptions that have been processed, verified, and completed in the same manner as if the prescriptions were going to be delivered manually by the pharmacy;

(d) Can deliver any one, any combination of, or all of a the prescriptions available to a patient at the option of the patient at the time the patient picks up his prescriptions;

(e) Is located so that access for the purposes of filling, cleaning, maintenance, or other such purposes can only be gained by pharmacy staff from within the secured area of a pharmacy and is secure from unauthorized access and removal of prescriptions by any person outside the pharmacy;

(f) Provides a method to identify the patient and delivers the prescription only to that patient or the patient's authorized agent;

(g) Records the identity of the pharmacy personnel who authorized access to the device;

(h) Records the time and date that the patient removed the prescription from the device;

(i) Does not contain any prescriptions for controlled substances in schedule II;

(j) Informs a patient, if he is using the device at the time that the pharmacy is open, that the patient may address questions and concerns regarding the prescription to a pharmacist at the pharmacy;

(k) Informs a patient, if he is using the device at the time that the pharmacy is closed, that the patient may address questions and concerns regarding the prescription to a pharmacist at a toll-free telephone number at which a pharmacist at a pharmacy licensed by the Board will respond at all hours when the pharmacy is closed. The pharmacist who responds to questions under this subsection must have access to the same information by computer regarding the patient that he would have if he were using the computer system in the pharmacy at which the device is located;

(l) Informs a patient that a prescription is not available to be delivered by the device if the pharmacist has determined that he desires to counsel the patient regarding the prescription; and

(m) Cannot be used by a patient outside the pharmacy building.

2. A pharmacy may not use a mechanical device to deliver prescriptions to patients until it has notified the board in writing:

(a) The type of device that will be used; and

(b) The anticipated date that the device will first be used.

The board may inspect the mechanical device before it is allowed to be used.

3. The board may prohibit a pharmacy from using a mechanical device to deliver prescriptions to a patient if the board determines that the device does not comply with this section or that the pharmacy's use of the device does not comply with this section.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T013-06

The State Board of Pharmacy adopted temporary regulations assigned LCB File No. T013-06 which pertain to chapter 639 of the Nevada Administrative Code on November 21, 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 with minor changes.

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.