

NAC Chapter 639

LCB File No. T022-06

**ADOPTED TEMPORARY REGULATION OF THE
STATE BOARD OF PHARMACY**

Filed with the Secretary of State January 12, 2007

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

1. Computer data related to a prescription may be shared between the computer systems of two or more pharmacies licensed by the board where:

(a) The pharmacies are commonly owned; and

(b) The computer systems of the individual pharmacies have access to a common database that:

(1) Contains all information regarding the patient that is contained in any computer system that has access to the common database;

(2) Contains all information regarding the prescription that is contained in any computer system that has access to the common database;

(3) Automatically decrements the prescription's refills if it has any regardless of which pharmacy fills the prescription;

(4) Automatically stores any changes or information added to the prescription in any one pharmacy with access to the common database so that the changes or information are available to all other pharmacies with access to the common database;

(5) Is secure from intrusion by anybody who is unauthorized to have access to the common database;

(6) Requires any person who can add or change data regarding a prescription, before making any addition or change to data regarding a prescription, to identify himself in the computer system by:

(I) Using a biometric identification device; or

(II) Entering a unique identifier into the pharmacy's computer system known only to and used only by the person;

(7) Makes and maintains an unchangeable record regarding each person who gained access to or added information regarding a prescription, including:

(I) The name or initials of the person;

(II) An identifier by which it can be readily determined in which pharmacy each person performed the act regarding the prescription; and

(III) What activity the person performed regarding the prescription;

(8) Contains a scanned image of the original prescription if the original prescription had been produced on paper; and

(9) Readily identifies information by which the first pharmacist who verified the data regarding the prescription may be contacted.

2. A pharmacy that first receives a paper prescription must assign a number to that prescription at the time that it scans the prescription into its computer system. No prescription may be placed into the common database until it has been scanned and assigned a number.

3. If a pharmacy other than the pharmacy that originally received the prescription enters the information regarding the patient and prescription into its computer system, the information it has entered into its computer system cannot be accessed from the common database for the purposes of filling and dispensing the prescription until a pharmacist verifies that the information entered into the computer system is correct which shall be signified by an entry by the pharmacist in the computer system.

4. A pharmacy other than the pharmacy at which the prescription was originally received may fill a prescription using data from a common database where the pharmacy that will fill the prescription:

(a) Places on the label on the prescription container the prescription number originally assigned to the prescription by the pharmacy that originally received the prescription;

(b) Places on the label an additional number or other identifier that assures that the prescription number cannot be confused with a number that does or could exist in the computer system of the pharmacy that is filling the prescription;

(c) Processes the prescription as if the prescription resided at that pharmacy; and

(d) Dispenses the prescription to the patient or the patient's agent as if the prescription resided at that pharmacy.

5. A prescription filled according the provisions of paragraph 4 shall not be considered a transfer of the prescription.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T022-06

The State Board of Pharmacy adopted temporary regulations assigned LCB File No. T022-06 which pertain to chapter 639 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.

The number of persons who attended the hearing was 2.
The number of persons who testified at the hearing was 2.
The number of agency submitted statements was 0.

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.

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.