ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R049-08

Effective June 17, 2008

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 453.146, 453.221 and 639.070.

A REGULATION relating to prescriptions; removing the requirement that prescriptions for schedule II controlled substances must be cancelled after being filled; and providing other matters properly relating thereto.

Section 1. NAC 453.450 is hereby amended to read as follows:

453.450 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~~] ***Except as otherwise provided in subsection 4, a*** prescription blank may contain more than one controlled substance listed in schedule II. [~~A~~] ***Except as otherwise provided in subsection 4, a*** prescription blank that contains a controlled substance listed in schedule II may include other controlled substances not listed 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 substance 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 maintained pursuant to NAC 453.480. Each copy of the prescription blank filed must include:

(a) A reference to the serial number of the prescription for a controlled substance listed in schedule II; or

(b) If the prescription blank contains more than one controlled substance listed in schedule II, a reference to the serial number of the first prescription for a controlled substance listed in schedule II.

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.~~

~~4.]~~ Except as otherwise provided in this subsection, a pharmacist shall return, upon request by a patient or a patient's agent or representative, any written prescription for a controlled substance listed in schedule II . ~~[, even if the pharmacist has already cancelled the prescription pursuant to subsection 3. A pharmacist who receives a written prescription for a controlled substance listed in schedule II that has been cancelled on its face shall verify with a pharmacist employed by the pharmacy that cancelled the prescription whether or not the prescription has previously been filled.]~~ If the pharmacist verifies that the prescription has previously been filled

and dispensed to the patient, the pharmacist shall not return the ~~[cancelled]~~ prescription to the patient or the patient's agent or representative.

~~[5.]~~ ***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 not be later than 3 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. No combination of prescriptions issued pursuant to this subsection may exceed a 90-day supply based on the date indicated for the earlier of the prescriptions. Any prescription issued pursuant to this subsection must not be included on a prescription blank or other document prescribing any other dangerous drug or controlled substance.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R049-08

The State Board of Pharmacy adopted regulations assigned LCB File No. R049-08 which pertain to chapter 453 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

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 amended slightly as a result of discussion at the hearing.

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.