

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

LCB File No. R069-12

April 23, 2013

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

AUTHORITY: §1, NRS 639.070.

A REGULATION relating to pharmacists; revising provisions governing the authority of a pharmacist to decline to fill prescriptions; and providing other matters properly relating thereto.

Section 1. NAC 639.753 is hereby amended to read as follows:

639.753 1. A pharmacist may decline to fill a prescription that satisfies the requirements of this chapter and chapter 639 of NRS only if the pharmacist reasonably believes, in his or her professional judgment, that:

- (a) The filling of the prescription would be unlawful;
- (b) The filling of the prescription would be ~~{potentially}~~ *imminently* harmful to the medical health of the patient;
- (c) The prescription is fraudulent; or
- (d) The prescription is not for a legitimate medical purpose.

2. If a pharmacist declines to fill a prescription pursuant to this section, the pharmacist shall speak with the prescribing practitioner in a timely manner to discuss and resolve the concerns of the pharmacist regarding the prescription. Before the pharmacist speaks with the prescribing practitioner, the pharmacist may, based on his or her professional judgment:

- (a) Retain the prescription and not return the prescription to the patient;

(b) Return the prescription to the patient;

(c) Make a photocopy of the prescription and return the prescription to the patient; and

(d) Unless the prescription is for a controlled substance that is listed in schedule II, dispense a quantity of the drug prescribed, not to exceed a 3 days' supply, to allow a reasonable period for the pharmacist to speak with the prescribing practitioner about the concerns of the pharmacist regarding the prescription.

3. ~~If, after~~ *After* speaking with the prescribing practitioner, *the pharmacist may fill the prescription if* the pharmacist reasonably believes, in his or her professional judgment, that the prescription is:

- (a) Lawful;
- (b) Not ~~potentially~~ *imminently* harmful to the medical health of the patient;
- (c) Not fraudulent; and
- (d) For a legitimate medical purpose. ~~†~~

~~→ the pharmacist may fill the prescription.~~

4. If, after speaking with the prescribing practitioner, the pharmacist reasonably believes, in his or her professional judgment, that the prescription ~~is:~~

- ~~—(a) Unlawful;~~
- ~~—(b) Fraudulent; or~~
- ~~—(c) Not for a legitimate medical purpose;~~

~~→~~ *does not meet one or more of the standards set forth in subsection 3*, the pharmacist shall retain the prescription and may not return the prescription to the patient.