

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

LCB File No. R119-13

November 26, 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 the practice of pharmacy; revising provisions governing maintenance of prescriptions; and providing other matters properly relating thereto.

Section 1. NAC 639.7105 is hereby amended to read as follows:

639.7105 Except as otherwise provided in NAC 639.711:

1. A prescription for a dangerous drug or a controlled substance listed in schedule II, III, IV or V may be transmitted electronically by a practitioner to a pharmacy.

2. A practitioner shall not transmit a prescription electronically to a pharmacy unless:

(a) The practitioner is the only person who will have access to the prescription until it is received by the pharmacy;

(b) The patient:

(1) Consents to the transmission of the prescription electronically; and

(2) Approves the pharmacy where the prescription will be transmitted; and

(c) All requirements of 21 C.F.R. Part 1311 are satisfied.

3. In addition to the requirements set forth in NRS 639.2353 and 639.2589, a prescription that is transmitted electronically to a pharmacy must include:

(a) The telephone number of the prescribing practitioner;

- (b) The time and date of the transmission; and
- (c) The name of the pharmacy to which the prescription is sent.

4. In addition to the requirements set forth in subsection 3 and NRS 639.2353 and 639.2589, a prescription for a controlled substance that is transmitted electronically to a pharmacy must include:

- (a) The registration number from the Drug Enforcement Administration of the prescribing practitioner; and

- (b) If the technological capability exists to require such information to be transmitted electronically:

- (1) The Nevada controlled substance registration number of the prescribing practitioner;
- (2) The indication for use or the diagnosis code; and
- (3) The date of the last physical examination of the patient.

5. A pharmacist who receives a prescription that is transmitted electronically shall ~~+~~

~~(a) Print a copy of the prescription on paper that is of sufficient quality to last for at least 2 years; and~~

~~—(b) Keep~~ *keep* a *paper or electronic* copy of the prescription for at least 2 years after the pharmacist receives the prescription. *The copy of the prescription that is kept must be readily accessible to:*

- (a) Personnel of the pharmacy who are authorized to access records of prescriptions kept by the pharmacy; and*

- (b) Members, employees, agents and designees of the Board.*

6. A pharmacist shall not dispense a prescription that is transmitted electronically until the pharmacist determines that the prescription complies with the requirements of state and federal law.

7. A prescription that is transmitted and complies with the provisions of this section shall be deemed an original prescription.

8. The Board may suspend the privilege of a practitioner to transmit prescriptions electronically if the Board reasonably suspects that the practitioner has transmitted a prescription electronically that is:

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