

# PROPOSED REGULATION OF THE STATE BOARD OF PHARMACY

## LCB File No. R014-14

Workshop December 5, 2013

Explanation – Language in *italics* is new; language in red ~~omitted material~~ is language to be omitted.

AUTHORITY: §1, NRS 639.070

**Amendment of Nevada Administrative Code 639.748 Identification of person to whom controlled substance is dispensed.** Regarding identification required to obtain controlled substance medication.

### **NAC 639.748 Identification of person to whom a controlled substance is dispensed.**

1. Except as otherwise provided in this section, an *agent or* employee of a pharmacy who is authorized to dispense controlled substances shall, before dispensing a controlled substance pursuant to a lawful prescription, request *that* the person *picking up the medication* ~~to whom the controlled substance will be dispensed to~~ present a current form of identification issued by a federal, state or local governmental agency that contains a photograph of the person. The *agent or* employee shall not dispense the controlled substance if:

(a) That person does not present such identification; or

(b) The employee reasonably believes that the identification presented has been altered or is false or otherwise invalid.

2. The provisions of subsection 1 do not apply if:

~~— (a) The prescription is paid for, in whole or in part, by an insurer;~~

~~— (b) T~~he prescription is for a patient who has had a prescription ~~for the same controlled substance~~ previously filled by the pharmacy ~~;~~ ~~or~~ *and the person picking up the medication is known to the pharmacy agent or employee.*

~~[(c) The pharmacy is a part of the health care facility where the patient is being treated.]~~

3. The *agent or* employee shall:

(a) Make a ~~photo~~ copy of the identification presented to the *agent or* employee; or

(b) Record the full name of the person *picking up the prescription* ~~to whom the controlled substance is dispensed~~, the identification number indicated on ~~his or her~~ *the* identification presented, if any, *and the name of the federal, state or local governmental agency that issued the identification. Such information shall be recorded* ~~and~~ on the prescription, the refill log, the counseling log, a computer record related to the patient or *some* ~~any~~ other documentation that is readily retrievable and *accessible for inspection by members of the Board, employees, agents and designees of the Board and by law enforcement.*

4. If a ~~photo~~ copy of ~~the~~ *an* identification is made pursuant to paragraph (a) of subsection 3, it must be filed with the copy of the prescription that is maintained by the pharmacy.

*5. Forms of identification such as a World Passport, a Nevada Driver's Authorization Card, or a driver's authorization card or driver's privilege card from other states shall not be accepted for purposes of this section.*