

PROPOSED REGULATION OF THE STATE BOARD OF PHARMACY

LCB FILE NO. R046-17

Workshop July 20, 2017

Explanation – Language in *blue italics* is new; language in *red text* [*omitted material*] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: §1, NRS 639.070

A REGULATION relating to the registration number from the Drug Enforcement Administration (DEA) of the prescribing practitioner on a written prescription. Current Regulations allow the pharmacist to add the DEA number to the prescriptions. The new Law mandates that the practitioner must identify himself/herself by placing the DEA number on the prescription. The new Law also mandates that the prescription must contain the patient's date of birth, days supply of the medication and the ICD-10 (International Classification of Diseases Tenth Revision) of the disease that is being treated.

NAC 453.440 Prescriptions: Contents; additions and changes. (NRS 453.221, 453.385, 639.070)

1. Except as otherwise provided in subsection 2, each prescription for a controlled substance, other than an oral or electronically transmitted prescription, must contain:
 - (a) The name of the prescribing practitioner;
 - (b) The address of the prescribing practitioner if not immediately available to the pharmacist or pharmaceutical technician;
 - (c) The handwritten signature of the prescribing practitioner in nonerasable ink;
 - (d) The date that the prescription was issued as expressed in the order of month, day and year;
 - (e) The full name of the patient *and date of birth*;
 - (f) The address of the patient if not immediately available to the pharmacist or pharmaceutical technician;
 - (g) The name, strength and quantity of the drug or drugs prescribed;
 - (h) The directions for use;
 - (i) The classification of the license of the prescribing practitioner; and
 - (j) The registration number from the Drug Enforcement Administration of the prescribing practitioner. *If the prescription blank lists multiple preprinted practitioners, the prescriber must clearly indicate their registration number with a mark.*

(k) The ICD-10 (International Classification of Diseases Tenth Revision) of the disease that is being treated.

(l) The days supply of the medication, the fewest number of days necessary to consume the quantity as determined by the practitioner;

2. A prescription issued by a person who is authorized to prescribe controlled substances in the course of his or her official duties and who is exempted from registration pursuant to 21 C.F.R. § 1301.23 may be filled if, in lieu of the requirements set forth in paragraphs (a) and (j) of subsection 1, it contains:

(a) The name of the person who issued the prescription stamped or printed on it;

(b) The branch of military service or the agency pursuant to which the person who issued the prescription is authorized to prescribe controlled substances in the course of his or her official duties; and

(c) The service identification number of the person who issued the prescription. Pursuant to 21 C.F.R. § 1301.23, the service identification number for an employee of the United States Public Health Service is his or her social security number.

3. Except as otherwise provided in this subsection and subsection 2, if ~~the registration number of the prescribing practitioner,~~ the address of the prescribing practitioner or the address of the patient is not on the prescription, before filling the prescription, the pharmacist or pharmaceutical technician shall write the missing ~~registration number,~~ address or addresses on the prescription or shall record the missing ~~registration number,~~ address or addresses in the record of the prescription in the computer system used by the pharmacy. If the address or addresses are immediately available to the pharmacist or pharmaceutical technician by an alphabetical card file, computer, patient profile system or any other system approved by the Board, the pharmacist or pharmaceutical technician need not write the address or addresses on the prescription or record the address or addresses in the record of the prescription in the computer system used by the pharmacy but shall place on the prescription or in the record of the prescription his or her initials and a notation indicating the addresses are immediately available, including, without limitation, “RA,” “readily available,” “in files,” “on computer” or any other similar notation.

4. Except as otherwise provided in subsection 2, if ~~the registration number of the prescribing practitioner,~~ the address of the prescribing practitioner or the address of the patient is not on the prescription and the address of the prescribing practitioner or the address of the patient are not immediately available to the pharmacist or pharmaceutical technician, or if the ~~registration number,~~ address or addresses have been added by the patient or a person other than the practitioner, before dispensing the prescription an employee of the pharmacy shall:

(a) If the address of the patient is missing or added, obtain:

(1) Positive identification from the patient to verify his or her identity and address; or

(2) Verification from the practitioner or his or her agent of the identity and address of the patient.

(b) If the address of the practitioner is missing or added, obtain verification from the practitioner or his or her agent of the address of the practitioner.

~~—(c) If the registration number of the prescribing practitioner is missing or added, obtain verification from:~~

~~—(1) The practitioner or his or her agent; or~~

~~—(2) The Board or its authorized agent.~~

Ê An employee of the pharmacy shall place his or her initials and a notation indicating the person who provided the identification or verification to the pharmacist or pharmaceutical technician on the prescription or in the record of the prescription in the computer system used by the pharmacy.

5. A pharmacist:

(a) May, after obtaining approval of the practitioner who issued the prescription, add or change the following information on a prescription for a controlled substance:

- (1) The strength of the drug prescribed;
- (2) The quantity of the drug prescribed;
- (3) The directions for use; ~~and~~
- (4) The date that the prescription was issued;
- (5) *The ICD-10 code; and*
- (6) *The days supply of the medication*

(b) May not add or change the following information on a prescription for a controlled substance:

- (1) The name of the patient;
- (2) The name of the controlled substance prescribed except that the pharmacist may change the name of the controlled substance to reflect the generic name of the controlled substance if the pharmacist substituted a generic controlled substance for the controlled substance prescribed; ~~or~~
- (3) The signature of the prescribing practitioner; ~~or~~
- (4) *The DEA number of the practitioner*

(c) Shall:

(1) Initial any addition or change made pursuant to paragraph (a) on the prescription or in the record of the prescription in the computer system used by the pharmacy; and

(2) Make a notation on the prescription or in the record of the prescription in the computer system used by the pharmacy of:

- (I) The date and time that the prescribing practitioner approved the addition or change; and
- (II) The reason for the addition or change.