

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

LCB File No. R046-17

September 5, 2017

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

AUTHORITY: §§1 and 2, NRS 453.221, 453.385 and 639.070.

A REGULATION relating to controlled substances; revising the required contents of certain written prescriptions; revising provisions concerning the authority of a pharmacist and pharmaceutical technician to make changes to such prescriptions; providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations relating to the registration and control of the dispensing of controlled substances within this State and requires the Board to adopt regulations that establish the requirements for the form and content of a prescription for a controlled substance. (NRS 453.221, 453.385) Existing regulations require certain information to be contained in each written prescription for a controlled substance. Existing regulations also provide that, if certain required information is missing from such a prescription, a pharmacist or pharmaceutical technician, before filling the prescription, may add that information. (NAC 453.440) This regulation requires that each written prescription for a controlled substance also include: (1) the patient’s date of birth; (2) the days’ supply of the controlled substance; and (3) the code number adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services that corresponds to the diagnosis for which the controlled substance is prescribed. This regulation also prohibits a pharmacist or pharmaceutical technician from adding or changing the registration number issued to a prescribing practitioner by the federal Drug Enforcement Administration on a written prescription for a controlled substance.

Section 1. NAC 453.440 is hereby amended to read as follows:

453.440 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 *and date of birth* of the patient;

(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 days' supply of the controlled substance;

(j) The ICD-10 code that corresponds to the diagnosis for which the controlled substance is prescribed;

(k) The classification of the license of the prescribing practitioner; and

~~(l)~~ *(l)* The registration number from the Drug Enforcement Administration of the prescribing practitioner. *If the prescription is written on a preprinted form that lists the names and registration numbers of more than one practitioner, the name and registration number of the prescribing practitioner must be clearly indicated by a mark.*

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 ~~(l)~~ *(l)* 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.}~~

↪ 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 ~~{}~~ *or pharmaceutical technician shall not add or change the registration number issued to a practitioner by the Drug Enforcement Administration on a prescription for a controlled substance.*

6. *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 listed in schedule

II:

- (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 days' supply of the drug prescribed; and*
- (6) The ICD-10 code that corresponds to the diagnosis for which the drug is prescribed.*

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

- (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.

(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.

7. *For the purposes of this section:*

(a) “Days’ supply” means the fewest number of days necessary to consume the quantity of the controlled substance dispensed to the patient if the patient consumes the maximum dose of the controlled substance authorized by the prescribing practitioner.

(b) “ICD-10 code” means the code established in the International Classification of Diseases, Tenth Revision, Clinical Modification, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services or the code used in any successor classification system adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

Sec. 2. This regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.