

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

LCB FILE NO. R013-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 01/12/2018**

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop January 11, 2018

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: NRS 453.162; NRS 639.23507; § 58 of AB 474

A REGULATION relating to access to the database of the program established pursuant to NRS 453.162; and providing other matters properly relating thereto.

Section. 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2-6 of this regulation.

Sec. 2. 1. *A practitioner registered pursuant to NRS 453.226 shall register with the Board to access the database of the program established pursuant to NRS 453.162.*

2. Access to the database is a revocable privilege, and no holder of such access acquires any vested right therein or thereunder.

Sec. 3 1. *Except as otherwise provided in section 4 of this regulation, a practitioner registered pursuant to section 2 of this regulation may designate no more than two members of his or her staff to act as delegates for the purposes of accessing the database of the computerized program established pursuant to NRS 453.162 and obtaining patient utilization reports from the computerized program on behalf of the practitioner.*

2. The delegate must complete the course of instruction required pursuant to NRS 453.164(5).

3. The practitioner shall be liable for all actions of the delegate in accessing the database pursuant to this section.

Sec. 4. *The Executive Secretary may authorize a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized*

program and obtaining patient utilization reports from the computerized program established pursuant to NRS 453.162 on behalf a physician providing service in a hospital emergency department.

2. The delegate must complete the course of instruction required pursuant to NRS 453.164(5).

3. The hospital and the physician providing service in a hospital emergency department shall be liable for all actions of the delegate in accessing the database pursuant to this section.

Sec. 5. *1. If the Executive Secretary has probable cause to believe that the database of the program established pursuant to NRS 453.162 has been intentionally accessed by a person or for a purpose not authorized pursuant to NRS 453.162 to 453.165, inclusive, NRS 639.23507, or section 57 of AB 474, the Executive Secretary may immediately suspend or terminate Internet access to the database.*

2. In the event of such a suspension or termination, the Executive Secretary shall provide notice to any person whose Internet access to the database is suspended or terminated.

3. In the event of such a suspension or termination, the Executive Director may summarily suspend a registration issued pursuant to NRS 453.226 until proceedings can be initiated pursuant to NRS 639.241 to 639.2576, inclusive.

4. Any person whose Internet access to the database is suspended or terminated may request a hearing before the Board contesting the suspension or termination. The Board shall conduct a hearing at the next regularly scheduled meeting of the Board, but in any event, the hearing must be conducted no later than 45 days after the date of suspension or termination

unless a continuance is requested by the person whose Internet access has been suspended or terminated.

Sec. 6. *Information obtained from the database of the program established pursuant to NRS 453.162 relating to a patient must be disclosed only to that patient or that patient's attorney upon request using a notarized authorization form that shall be provided by the Board, except as otherwise provided in NRS 453.164(7).*

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