

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

**LCB FILE NO. R008-211**

**The following document is the initial draft regulation proposed  
by the agency submitted on 03/12/2021**

**DRAFT**

# Proposed Regulation of the Nevada State Board of Pharmacy

Workshop – March 3, 2021

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 453.163; NRS 639.070; NRS 639.23916

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

**Section. 1. NAC 453.010 is hereby amended to read as follows:**

As used in this chapter, unless the context otherwise requires:

1. “Board” means the State Board of Pharmacy.
2. *“Electronic health record” has the meaning ascribed to it in 42 U.S.C. § 17921.*
3. “Emergency situation,” within the meaning of subsection 2 of [NRS 453.256](#) and these regulations, means a situation in which a prescribing practitioner determines that:
  - (a) Immediate administration of the controlled substance is necessary for the proper treatment of the patient;
  - (b) No appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under schedule II of the Uniform Controlled Substances Act; and
  - (c) It is not reasonably possible for the prescribing practitioner to provide a written prescription to be presented to the person dispensing the substance before he or she dispenses it.
4. *“Integrate” and integration” have the meaning ascribed to them in NRS 453.162.*
5. *“Patient utilization report” has the meaning ascribed to it in NRS 639.23507.*
6. *“Prescriber activity report” means a summary of a practitioner’s prescribing history in the database of the computerized program established pursuant to NRS 453.162.*

**Section. 2. NAC Chapter 453 is hereby amended by adding thereto a new section to read as follows:**

*The records of a patient in the database of the computerized program established pursuant to NRS 453.162 may be integrated with the electronic health records of a practitioner, subject to the following requirements:*

1. *The practitioner must be enrolled with the Board for Internet access to the database of the computerized program established pursuant to NRS 453.162;*
2. *The electronic health records must be maintained in conformance with all applicable federal and state laws;*
3. *An audit trail must be maintained of all user activity to access the database and obtain a patient utilization report;*
4. *The audit trail must be retained in conformance with NRS 629.051(1) and readily retrievable upon request by a representative of the Board; and*

5. *A delegate designated pursuant to NAC 453.070, NAC 453.074 or **LCB File No. R035-19 [pharmacist]** is not authorized by such designation to access the database via electronic health records.*

**Section. 3.** NAC Chapter 453 is hereby amended by adding thereto a new section to read as follows:

1. *Access to the database of the computerized program established pursuant to NRS 453.162 to obtain a patient utilization report will be granted to:*

(a) *Any person employed by the United States Department of Veterans Affairs and authorized access pursuant to 38 U.S.C. §1730B;*

(b) *Any person authorized access under the State Medicaid Program pursuant to 42 U.S.C. §1396r-8(g) and 42 U.S.C. §1396w-3a; and*

(c) *Any person authorized access under an agreement for interstate data sharing entered into pursuant to NRS 453.163(2).*

2. *As used in this section, “Medicaid” has the meaning ascribed to it in NRS 439B.120.*

**Section. 4.** NAC Chapter 453 is hereby amended by adding thereto a new section to read as follows:

1. *Any person authorized to access the database of the computerized program established pursuant to NRS 453.162 shall review and comply with the “PMP AWAxE Requestor User Support Manual, Nevada Prescription Drug Monitoring Program, Version 2.0”, effective 12/2018, which is adopted by reference and available at:*

<https://bop.nv.gov/uploadedFiles/bopnvgov/content/Links/12.14.18.NV%20Requestor%20User%20Support%20Manual.pdf>

2. *The Board will periodically review the publication adopted by reference pursuant to subsection 1 and determine within 120 days after the review whether any change made to that publication is appropriate for application in this State. If the Board does not disapprove a change to the publication within 120 days after the review, the change is deemed to be approved by the Board.*

**Section. 5.** Chapter 453 of NAC is hereby amended by adding thereto the following provisions:

*A law enforcement officer may obtain a patient utilization report or a prescriber activity report from the database of the computerized program established pursuant to NRS 453.162 by completing a form furnished by the Board certifying pursuant to NRS 453.165 that the law enforcement officer is investigating suspected illegal activity related to the prescribing, dispensing or use of controlled substances.*

**Section. 6.** Chapter 453 of NAC is hereby amended by adding thereto the following provisions:

*Any practitioner or other person granted access to the database of the computerized program established pursuant to NRS 453.162 may only access the data electronically and may not otherwise reproduce, copy or transfer the data either in hardcopy or in electronic format.*