

**ADOPTED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R047-15

Effective April 4, 2016

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

AUTHORITY: §1, NRS 639.070.

A REGULATION relating to pharmacy; revising provisions relating to the transmission of information regarding the dispensing of controlled substances to certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing regulations, the State Board of Pharmacy requires each pharmacy that uses a computerized system to record information concerning prescriptions and that dispenses to certain persons a controlled substance that is listed in schedule II, III or IV to transmit certain information concerning the controlled substance to the Board or its agent on a weekly basis. (NAC 639.926) Certain practitioners who dispense controlled substances are also subject to those requirements. (NAC 639.745) This regulation requires such a pharmacy or practitioner to transmit that information not later than the next business day after dispensing the controlled substance. This regulation also requires such a pharmacy or practitioner that does not dispense such a controlled substance to transmit to the Board or its agent a zero report stating that the pharmacy or practitioner did not dispense such a controlled substance on the immediately preceding business day. Finally, this regulation revises the methods that a pharmacy or practitioner is required to use to transmit the information or zero report.

Section 1. NAC 639.926 is hereby amended to read as follows:

639.926 1. Each pharmacy that uses a computerized system to record information concerning prescriptions and that dispenses a controlled substance that is listed in schedule II, III or IV to a person who is not an inpatient of a hospital, correctional institution or nursing facility shall transmit to the Board or its agent the following information, as applicable, set forth in the *2011 ASAP Version 4.2 Standard for Prescription Monitoring Programs* published by the American Society for Automation in Pharmacy. The following Segments and the accompanying

Data Elements of the Implementation Guide for the *2011 ASAP Version 4.2 Standard for Prescription Monitoring Programs* are hereby adopted by reference:

(a) The Segment entitled “TH Transaction Header” and the following Data Elements:

- (1) Version/Release Number;
- (2) Transaction Control Number;
- (3) Transaction Type;
- (4) Response ID;
- (5) Creation Date;
- (6) Creation Time;
- (7) File Type; and
- (8) Segment Terminator Character;

(b) The Segment entitled “IS Information Source” and the following Data Elements:

- (1) Unique Information Source ID;
- (2) Information Source Entity Name; and
- (3) Message;

(c) The Segment entitled “PHA Pharmacy Header” and the following Data Elements:

- (1) National Provider Identifier (NPI);
- (2) DEA Number;
- (3) Pharmacy or Dispensing Prescriber Name;
- (4) Phone Number;
- (5) Contact Name; and
- (6) Chain Site ID;

(d) The Segment entitled “PAT Patient Information” and the following Data Elements:

- (1) Last Name;
 - (2) First Name;
 - (3) Address Information - 1;
 - (4) City Address;
 - (5) State Address;
 - (6) ZIP Code Address;
 - (7) Phone Number;
 - (8) Date of Birth; and
 - (9) Gender Code;
- (e) The Segment entitled “DSP Dispensing Record” and the following Data Elements:
- (1) Reporting Status;
 - (2) Prescription Number;
 - (3) Date Written;
 - (4) Refills Authorized;
 - (5) Date Filled;
 - (6) Refill Number;
 - (7) Product ID Qualifier;
 - (8) Product ID;
 - (9) Quantity Dispensed;
 - (10) Days Supply;
 - (11) Transmission Form of Rx Origin Code;
 - (12) Classification Code for Payment Type; and
 - (13) Date Sold;

(f) The Segment entitled “PRE Prescriber Information” and the following Data Elements:

- (1) National Provider Identifier (NPI);
- (2) DEA Number;
- (3) DEA Number Suffix;
- (4) Last Name;
- (5) First Name; and
- (6) Phone Number;

(g) The Segment entitled “CDI Compound Drug Ingredient Detail” and the following Data Elements:

- (1) Compound Drug Ingredient Sequence Number;
- (2) Product ID Qualifier;
- (3) Product ID;
- (4) Component Ingredient Quantity; and
- (5) Compound Drug Dosage Units Code;

(h) The Segment entitled “TP Pharmacy Trailer” and the Data Element Detail Segment Count; and

(i) The Segment entitled “TT Transaction Trailer” and the following Data Elements:

- (1) Transaction Control Number; and
- (2) Segment Count.

2. A copy of the publication may be obtained from the American Society for Automation in Pharmacy at the Internet address **<http://www.asapnet.org>**, or by telephone at (610) 825-7783, for the price of \$175 for members and ~~\$770~~ **\$875** for nonmembers.

3. ~~[The]~~ *A pharmacy that dispenses a controlled substance and is required to transmit information to the Board or its agent pursuant to subsection 1* shall transmit the information ~~[required pursuant to this section]~~ not later than ~~[each Wednesday for the prescriptions filled from the immediately preceding Sunday through Saturday. If a Wednesday falls on a legal holiday, then the information must be reported on the next business day that is not a legal holiday.]~~ *the end of the next business day after dispensing the controlled substance. A pharmacy that does not dispense a controlled substance as specified in subsection 1 shall transmit to the Board or its agent a zero report stating that the pharmacy did not dispense such a controlled substance on the immediately preceding business day.*

4. The information *required pursuant to this section or a zero report* must be transmitted by means of ~~[a form of electronic data transmission approved by the Board, including, without limitation, a computer modem that can transmit information at the rate of 2400 baud or more.] :~~

- (a) A secure file transfer protocol;*
- (b) An upload from an Internet web portal; or*
- (c) A manual entry.*