

Digest for Adopted Regulation R_098-13

Existing law requires the State Board of Pharmacy to adopt regulations as are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies. Existing law requires the Board to adopt regulations to: (1) provide for the registration and discipline of dispensing practitioners and dispensing technicians; (2) authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics from within this State; and (3) authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics from within or outside this State or the United States. (NRS 639.0727)

Section 1 of this regulation revises the definition of “direct supervision” to include direction given by a supervising pharmacist on the premises of a telepharmacy to persons he or she is supervising at the telepharmacy or at a remote site or satellite consultation site. The definition is further revised to require the supervising pharmacist to be aware of the activities of that person related to the preparation and dispensing of medications rather than only the preparation of medications.

Section 2 of this regulation provides that, with limited exceptions, in any pharmacy, a pharmacist is not authorized to supervise more than a total of three pharmaceutical technicians at one time. **Section 2** further provides that in any telepharmacy, remote site or satellite consultation site, a pharmacist is not authorized to supervise more than a total of three pharmaceutical technicians at one time. **Section 17** of this regulation repeals the existing regulation governing the number of pharmaceutical technicians and dispensing technicians that a pharmacist or dispensing practitioner, as applicable, is authorized to supervise in any remote site. **Section 12** of this regulation provides that a dispensing practitioner is authorized to register more

than one dispensing technician at a time but specifies that only one dispensing technician staffing a remote site or satellite consultation site is allowed to perform certain functions related to filling and dispensing prescriptions and compounding drug products at one time.

Existing regulations require a pharmacist or dispensing practitioner to obtain a certificate of registration from the Board to dispense controlled substances or dangerous drugs at a remote site. Existing regulations further establish the qualifications for persons who operate a remote site and establish various requirements concerning the operation of a remote site. **Sections 3-10** of this regulation extend the applicability of those provisions to a satellite consultation site and make certain changes to conform those existing regulations to changes made by Senate Bill No. 327 of the 2013 Legislative Session. (Chapter 378, Statutes of Nevada 2013, at page 2010)

Section 11 of this regulation adds a telepharmacy and a satellite consultation site as examples of the sites of a practice for which a practitioner is required to submit to the Board a separate application for a certificate of registration to dispense controlled substances or dangerous drugs.

Existing law requires that a pharmacist establish the existence of a bona fide relationship between the patient and the person prescribing the controlled substance to provide that such a relationship shall be deemed to exist if the patient was examined in person, electronically, telephonically or by fiber optics within or outside this State or the United States by that person rather than requiring the patient to be physically examined. (NRS 639.235) **Sections 13 and 16** of this regulation similarly amend existing regulations with regard to what constitutes a bona fide relationship.

Section 14 of this regulation revises the content of the written record of refills that must be maintained by a pharmacist.

Section 15 of this regulation provides that the requirement that a pharmacy must use a computerized system to record information about prescriptions applies to a satellite consultation site.

Section 16 revises provisions governing unprofessional conduct by the holder of a license, certificate or registration issued by the Board to provide an exception relating to the procedure for filling certain prescriptions.