

**PROPOSED REGULATION OF
THE STATE BOARD OF PHARMACY
LCB File No. R020-97**

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 639.0745.

Section 1. NAC 639.713 is hereby amended to read as follows:

639.713 1. [A] *Except as otherwise provided in subsection 4, a* transfer of information between pharmacies relating to a prescription for a dangerous drug [,] *or controlled substance* for the purpose of filling and dispensing that prescription [,] is subject to the following conditions:

(a) Information relating to a prescription and any remaining number of refills may [only] be transferred [one time, and a pharmacist who transfers or receives a prescription shall advise the patient that the prescription may only be transferred one time.

(b) ~~The~~ *orally or by a computer.*

(b) *An oral* transfer must be communicated directly between two registered pharmacists.

(c) The original and the transferred prescriptions must be maintained for 2 years [from] *after* the date on which the prescription was filled.

(d) *Information relating to a prescription may be transferred by a computer if:*

(1) *The computer that transfers the information reduces, at the time the information is transferred, the number of refills authorized by the original prescription; and*

(2) The computer that receives the information allows the transfer of the prescription for a controlled substance only once.

2. [Except as otherwise provided in subsection 3, information relating to a prescription for a controlled substance, for the purpose of filling and dispensing that prescription, may not be transferred between pharmacies.

3.] *A pharmacist who receives a prescription for a controlled substance which has been transferred by a computer shall inform the patient that the prescription may be transferred only once.*

3. A pharmacy shall not, without first notifying the board:

(a) Sell, give or otherwise transfer *all* its prescription files, including information relating to patients and practitioners, to another pharmacy, including a pharmacy under its control or ownership; or

(b) Receive *all the* prescription files, including information relating to patients and practitioners, from another pharmacy, including a pharmacy under its control or ownership.

A file transferred pursuant to this subsection is not a transfer of information between pharmacies for the purposes of subsection 1.

4. A prescription for a controlled substance listed in schedule II must not be transferred pursuant to the provisions of this section.

Sec. 2. NAC 639.714 is hereby amended to read as follows:

639.714 1. Except as otherwise provided in subsection 3, a pharmacist who *orally* transfers the information relating to a prescription pursuant to NAC 639.713 shall:

(a) Write the word “void” on the face of the prescription; and

(b) Record on the reverse side of the invalidated prescription the following information:

(1) The name of the pharmacist who [is transferring] *transfers* the information relating to the prescription;

(2) The date of the transfer;

(3) The name and address of the pharmacy to which the prescription is transferred; and

(4) The name of the pharmacist who [is receiving] *receives* the information relating to the prescription.

2. The pharmacist who receives the information relating to the prescription *that was transferred orally* shall:

(a) Reduce the transferred information to a written prescription;

(b) Write the word “transfer” on the face of the transferred prescription; [and]

(c) *If the prescription is for a controlled substance, inform the patient that the prescription may be transferred only once; and*

(d) Record the following information on the transferred prescription:

(1) The name and address of the pharmacy from which the prescription was transferred;

(2) The name of the pharmacist who [is transferring] *transferred* the information relating to the prescription;

(3) The serial number of the original prescription;

(4) The date the original prescription was issued and the most recent date of dispensing, if different; and

(5) The number of refills authorized by the original prescription, the date the prescription was most recently refilled [,] and the number of refills remaining.

3. A pharmacy which maintains its records of prescriptions on a computer system shall invalidate in its system a prescription which has been *orally* transferred to another pharmacy. If

the computer has the capability to maintain the information described in paragraph (b) of subsection 1, the pharmacy:

- (a) Shall maintain that information on its computer; and
- (b) Is not required to record that information on the original transferred prescription.

Sec. 3. NRS 639.735 is hereby repealed.

TEXT OF REPEALED SECTION

639.735 Transfer of prescriptions for dangerous drugs between pharmacies by computer.

1. Prescriptions for dangerous drugs may be transferred by computer to the computer of another pharmacy located in this state if:

- (a) The pharmacies share common ownership; and
- (b) The system for such transfers has been approved by the board.

2. An application for approval by the board of a system for such transfers must include:

- (a) A list of the pharmacies that will transfer or receive the prescriptions;
- (b) A description of the equipment and software that will be used by the pharmacies;
- (c) A description of the manner in which the computers will be operated to accomplish the transfers; and

(d) The policies and procedures that will ensure the confidentiality and security of the transferred prescriptions.

3. Each prescription may be transferred by computer only once.

4. A pharmacy shall not transfer a prescription for a controlled substance pursuant to this section.