

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

LCB File No. R075-97

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

AUTHORITY: §§1-2, NRS 639.0745.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in NAC 639.711:

- 1. A prescription for:
 - (a) A controlled substance listed in schedule II must not be transmitted electronically.*
 - (b) A dangerous drug or a controlled substance listed in schedule III, IV or V may be transmitted electronically by a practitioner to a pharmacy.**
- 2. A practitioner shall not transmit a prescription electronically to a pharmacy unless:
 - (a) He is the only person who will have access to the prescription until it is received by the pharmacy; and*
 - (b) The patient:
 - (1) Consents to the transmission of the prescription electronically; and*
 - (2) Approves the pharmacy where the prescription will be transmitted.***
- 3. In addition to the requirements set forth in NRS 639.2353 and 639.2589, a prescription that is transmitted electronically to a pharmacy must include:*

(a) *The telephone number of the practitioner;*

(b) *The time and date of the transmission; and*

(c) *The name of the pharmacy to which the prescription is sent.*

4. *A pharmacist who receives a prescription that is transmitted electronically shall:*

(a) *Print a copy of the prescription on paper that is of sufficient quality to last for at least 2 years; and*

(b) *Keep a copy of the prescription for at least 2 years after he receives the prescription.*

5. *A pharmacist shall not dispense a prescription that is transmitted electronically until he determines that the prescription complies with the requirements of state and federal law.*

6. *A prescription that is transmitted electronically and complies with the provisions of this section shall be deemed an original prescription.*

Sec. 2. NAC 639.711 is hereby amended to read as follows:

639.711 1. [A] *Except as otherwise provided in paragraphs (e), (f) and (g) of 21 C.F.R. § 1306.11, a prescription for [:*

(a) [A] *a controlled substance listed in schedule II must not be transmitted by a facsimile machine.*

[(b)] 2. *A dangerous drug or a controlled substance listed in schedule III, IV or V may be transmitted by a practitioner or his designated agent by a facsimile machine [.] to a pharmacy.*

[2.] 3. *A practitioner or his designated agent shall not transmit a prescription by a facsimile machine to a pharmacy unless the patient:*

(a) *Consents to the use of the facsimile machine; and*

(b) *Approves the pharmacy where the facsimile prescription will be transmitted.*

[3.] 4. A pharmacist shall not dispense a facsimile prescription unless it is signed by a practitioner and transmitted *to a pharmacy* by the practitioner or his designated agent.

[4.] 5. In addition to the requirements set forth in NRS 639.2353 and 639.2589, a facsimile prescription must include:

- (a) The telephone number of the facsimile machine;
- (b) The telephone number of the practitioner;
- (c) The time and date of its transmission; and
- (d) The words “faxed to” preceding the name of the pharmacy to which the facsimile prescription is sent.

[5.] 6. A facsimile prescription must be kept by the pharmacist for 2 years after it is received by him. If the paper is not of sufficient quality to last for at least 2 years, the facsimile prescription must be reproduced on permanent paper or the pharmacist must reduce the prescription to writing and attach the original transmission of the prescription to the reproduced copy or the prescription reduced to writing.

[6.] 7. A facsimile prescription which complies with the provisions of this section shall be deemed an original prescription.

[7.] 8. As used in this section:

(a) “Facsimile machine” means a device which *transmits or* receives [and copies] a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.

(b) “Facsimile prescription” means [a] *an electronically produced image of a* written prescription which is transmitted by a facsimile machine.