

LCB File No. R026-98

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

A workshop to discuss the proposed regulation was conducted on December 4, 1997, and presented to the board at the January 21, 22, 1998, board meeting. This proposed regulation will be presented to the board for final approval at the March 11 and 12, 1998, board meeting.

R026-98 NAC 639.711 - Transmit prescription by fax, "except as pursuant to 453. ."\*

**639.711 Transmission of prescription by facsimile machine.**

1. A prescription for:
  - (a) A controlled substance listed in schedule II must not be transmitted by a facsimile machine[.] except pursuant to NAC 453. .
  - (b) A dangerous drug or a controlled substance listed in schedule III, IV or V may be transmitted by a facsimile machine.
2. 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. A pharmacist shall not dispense a facsimile prescription unless it is signed by a practitioner and transmitted by the practitioner or his designated agent.
4. 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. 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. A facsimile prescription which complies with the provisions of this section shall be deemed an original prescription.
7. As used in this section:
  - (a) "Facsimile machine" means a device which 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 written prescription which is transmitted by a facsimile machine.

\* New NAC section in R028-98.