

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

LCB File No. R026-98

March 5, 1998

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

AUTHORITY: NRS 639.070 and 639.0745.

Sec. 1. NAC 639.711 is hereby amended to read as follows:

639.711 1. [Except as otherwise provided in paragraphs (e), (f) and (g) of 21 C.F.R. § 1306.11, a] *A prescription for a controlled substance listed in schedule II must not be transmitted by a practitioner or his designated agent by a facsimile machine [.] to a pharmacy unless the prescription is:*

(a) For a controlled substance that will be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion;

(b) For issuance to a resident of a facility for long term care; or

(c) For issuance to a resident of a facility that provides hospice care which has been licensed by this state or certified by Medicare pursuant to Title XVIII of the Social Security Act. Such a prescription must state that the resident receives hospice care.

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.

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.

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.

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.

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.

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

8. As used in this section:

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

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