

LCB File No. R164-01

PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY

NAC 453.440 shall be amended as follows:

NAC 453.440 Form and content of prescriptions for controlled substances.

1. ~~[In addition]~~ Pursuant to the requirements of NRS 453.385, each ~~[written]~~ prescription, which is not an oral or electronically transmitted prescription, for a controlled substance must ~~[:]~~ contain:

- (a) ~~[Contain]~~ ~~[:]~~ The handwritten signature of the prescribing practitioner in nonerasable ink; ~~[and]~~
- (b) ~~[Be submitted to the pharmacist in its original form.]~~ The name of the practitioner;
- (c) The complete date, month, day, and year, the prescription was issued;
- (d) The full name of the patient;
- (e) The name, strength, quantity and dosage form of the drug or drugs prescribed;
- (f) Directions for use;
- (g) The classification of the practitioner's license; and
- (h) The Drug Enforcement Administration registration number of the practitioner, the address of the practitioner and the patient.

2. If the registration number or the address of the prescribing practitioner and of the patient are not on the prescription, before filling the prescription, the pharmacist shall write the missing registration number, address or addresses, on the prescription unless the registration number or addresses are immediately available to the pharmacist by an alphabetical card file, computer, patient profile system or any other system approved by the board. If the pharmacist writes the missing registration number, address or addresses on the prescription, he shall place his initials near the registration number, address or addresses. If the number or addresses are immediately available to the pharmacist, he shall place on the prescription his initials and a notation indicating the number and addresses are immediately available, such as "RA" readily available, "on file" or "in computer" or any other similar notation.

3. ~~[2.—A prescription issued by an officer who is exempted from registration by federal law may be filled if it contains the officer's name stamped or printed on it, his social security identification number and his signature.]~~ If the address of the prescribing practitioner or of the patient is not on the prescription and not immediately available to the pharmacist, or if the address or addresses have been added by the patient or a person other than the practitioner, before dispensing the prescription, the pharmacist shall:

- (a) If the address of the patient is missing or added, obtain:
 - (1) Positive identification from the patient to verify his identity and address; or
 - (2) Verification from the practitioner or his agent of the identity and address of the patient.

(b) If the address of the practitioner is missing or added, obtain verification from the practitioner or his agent of the address of the practitioner. The pharmacist shall place his initials and a notation indicating the person who provided the identification or verification to the pharmacist on the prescription.

(c) If the registration number of the practitioner is missing or has been added by a person other than the practitioner, before dispensing the prescription the pharmacist shall verify the registration number by:

- (1) Contacting the physicians office; or
- (2) Confirming the number with the Board of Pharmacy office.

~~4.[3.— Except as otherwise provided in subsection 7, if the address of the prescribing practitioner and of the patient are not on the prescription, before filling the prescription, the pharmacist shall write the missing address, or addresses, on the prescription unless the addresses are immediately available to the pharmacist by an alphabetical card file, computer, patient profile system or any other system approved by the board. If the pharmacist writes the missing address or addresses on the prescription, he shall place his initials near the address or addresses. If the addresses _____ are immediately available to the pharmacist, he shall place on the prescription his initials and a notation indicating the addresses are immediately available, such as “RA,” “readily available,” “in files,” “on computer” or any other similar notation.] A prescription issued by an official of any military service, federal Public Health Service or Bureau of Prisons who is authorized to prescribe, may be filled if it contains the official’s name stamped or printed on it, the military service identification number or his social security number identification number.~~

5. Pursuant to NRS 453.431 subsection 3, any alteration or addition to a controlled substance in schedule II must be approved solely by the prescribing practitioner before a pharmacist dispenses a prescription.

(a) A pharmacist may not change or add:

- (i) The patient’s name;*
- (ii) The controlled substance prescribed except for substitution of a generic drug authorized by state law;*
- (iii) The practitioners signature; or*
- (iv) The date of issuance of the prescription.*

(b) A pharmacist, after approval of the prescribing practitioner, is permitted to change or add:

- (i) The drug strength;*
- (ii) The drug quantity; and*
- (iii) Directions for use.*

(c) Any changes or alterations must be initialed by the pharmacist. A notation of the date and time the prescribing practitioner was contacted must be placed on the prescription with a brief explanation of the reason for the change.

6. A pharmacist may dispense a prescription for a controlled substance listed in schedule II only pursuant to a written prescription except in the following circumstances:

(a) An oral emergency prescription pursuant to NAC 453.420;

(b) A written prescription transmitted by a facsimile device to a pharmacy from a practitioner if:

(i) The schedule II controlled substance is to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion administration, the transmission from the facsimile device shall be deemed to be the original written prescription;

(ii) The schedule II controlled substance is prescribed for a resident of a facility for long term care, the transmission from the facsimile device shall be deemed to be the original written prescription; and

(iii) The schedule II controlled substance is prescribed for a patient in a hospice licensed by the state, the transmission from the facsimile device shall be deemed to be the original written prescription.

7. If a prescription for a controlled substance in schedule II is written with prescriptions for other drugs, the written prescription must be maintained in a file system with other schedule II prescriptions. After the schedule II prescription is filled, the other prescriptions must be duplicated for the purpose of maintaining separate files of prescriptions and must refer to the original schedule II prescription’s number for reference purposes.

8. 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.

9. Except as otherwise provided in this subsection, the date of issue of a prescription for a controlled substance in schedule II shall be the date that the practitioner prepares and provides the prescription to the patient. A practitioner may provide for a different date of issue on the prescription if he indicates on the face of the prescription words such as “may not be filled before. . .” or “may only be filled after. . .” adjacent to the indication of the date by the practitioner. The date of issue for a prescription with such limiting language placed upon it by the practitioner shall be the date indicated by the practitioner as the first date on which the prescription could be filled. A pharmacist may not fill a prescription with such limiting language upon it earlier than is indicated by the prescription.

10. Except as otherwise provided in this subsection, a pharmacist shall not fill a prescription for a controlled substance if:

(a) The patient has received a preceding prescription for the same controlled substance or for a controlled substance containing the same active ingredient; and

(b) The number of doses ordered and the directions for use of the preceding prescription indicate that the patient would have doses remaining from the preceding prescription at the time that the patient sought to have the succeeding prescription filled. A pharmacist may fill a succeeding prescription for a controlled substance or a controlled substance containing the same active ingredient as a preceding prescription for a controlled substance if the pharmacist receives authorization from the practitioner who wrote the succeeding prescription after notifying the practitioner of the preceding prescription. The pharmacist shall note on the succeeding prescription the date, time, and name of the person who authorized the dispensing of the succeeding prescription.

Workshop 7/26/01

Public Hearing 10/17/01