

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

LCB File No. R035-02

April 3, 2002

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

AUTHORITY: §1, NRS 639.070 and 639.0745.

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

1. Except as otherwise provided in this section, a prescription may be filled by a fulfillment pharmacy for a dispensing pharmacy if:

(a) The dispensing pharmacy enters the data concerning the prescription into its computer system and transfers that data to the computer system of the fulfillment pharmacy in a secure and confidential manner;

(b) The computer system of the dispensing pharmacy:

(1) Transmits to the computer system of the fulfillment pharmacy the name of the manufacturer and the National Drug Code number of a generic drug in stock that the dispensing pharmacy would have used to fill the prescription if the prescription had not been transmitted to the fulfillment pharmacy;

(2) Makes and retains a record documenting the date and time that the prescription is transmitted to the fulfillment pharmacy and the identity of the fulfillment pharmacy; and

(3) If applicable, automatically reduces the number of refills of the prescription;

(c) The computer systems of the dispensing pharmacy and the fulfillment pharmacy are operated in compliance with the applicable provisions of chapter 639 of NRS and this chapter;

(d) The fulfillment pharmacy labels the container in which the prescription will be dispensed in compliance with NRS 639.2801 using a label from the dispensing pharmacy or a label which contains the same information as the dispensing pharmacy would have been required to place on the label if the dispensing pharmacy had filled the prescription; and

(e) A pharmacist employed by the dispensing pharmacy verifies the correctness of the prescription when it is received from the fulfillment pharmacy and makes a written notation on the prescription or the refill log that includes his name and the date on which he performed the verification.

2. Except as otherwise provided in this section, if a fulfillment pharmacy fills a prescription pursuant to this section with a generic drug that is manufactured by a different manufacturer than the manufacturer used by the dispensing pharmacy, the fulfillment pharmacy shall show on the label of the prescription the name of the manufacturer of the generic drug used to fill the prescription and the computer system of the fulfillment pharmacy must transmit to the computer system of the dispensing pharmacy the name of the manufacturer, the National Drug Code number and the price of that generic drug. If the computer system of the fulfillment pharmacy is incapable of transmitting such data to the dispensing pharmacy, the fulfillment pharmacy shall not fill the prescription and shall notify the dispensing pharmacy that the fulfillment pharmacy cannot fill the prescription.

3. The transmission of a prescription by a dispensing pharmacy to a fulfillment pharmacy pursuant to this section is not a transfer of a prescription.

4. A dispensing pharmacy shall ensure that:

(a) A patient has been counseled in compliance with NRS 639.266 and NAC 639.707 and 639.708; and

(b) All communications with the patient are made by and through the dispensing pharmacy.

5. If a prescription is transmitted to and filled by a fulfillment pharmacy pursuant to this section, both the dispensing pharmacy and the fulfillment pharmacy are individually responsible for ensuring that the prescription has been filled correctly.

6. A dispensing pharmacy shall not transmit, and a fulfillment pharmacy shall not fill, a prescription pursuant to this section for any controlled substance listed in Schedule II.

7. If a fulfillment pharmacy and a dispensing pharmacy are under common ownership, the fulfillment pharmacy and the dispensing pharmacy are not required to comply with subparagraph (1) of paragraph (b) of subsection 1, paragraph (e) of subsection 1, or subsection 2 in filling a prescription transmitted by the dispensing pharmacy to the fulfillment pharmacy.

8. As used in this section:

(a) "Dispensing pharmacy" means a pharmacy licensed by the board that:

(1) Sends a prescription to a fulfillment pharmacy to be filled by the fulfillment pharmacy; and

(2) Dispenses the prescription filled by the fulfillment pharmacy to the ultimate user.

(b) "Fulfillment pharmacy" means a pharmacy licensed by the board that fills prescriptions on behalf of a dispensing pharmacy.