

**LCB File No. R067-02**

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

**ELECTRONIC PRESCRIBING REGULATIONS  
(Ver. 3/18/02)**

**Section 1. NAC chapter 639 shall be amended to add the following new language:**

*1. A practitioner may create a prescription and transmit it to a pharmacy chosen by a patient by using a computer system for which the hardware and software have been approved by the board. The board shall approve computer system with hardware and software that:*

*(a) Requires the unique identification of the practitioner such as by fingerprint scan, retinal scan, personal identification number, or other such method before each use of the input device;*

*(b) Makes and keeps a record of each prescription written on the device, including making and keeping a record of the pharmacy to which the prescription had been transmitted;*

*(c) Can print a prescription that conforms to NRS 639.2353 and NAC 453.440;*

*(d) Makes a facsimile of the practitioner's signature, a security code known to or verifiable by the pharmacy, or other mark that uniquely identifies the practitioner on the face of a prescription:*

*(i) Printed from the computer system, whether printed at the practitioner's office or at the receiving pharmacy;*

*(ii) When viewed on the pharmacy's computer screen;*

*(e) Transmits, as part of the prescription information, the ICD9 code or other code used to identify the diagnosis made by the practitioner for which the drug is being prescribed;*

*(f) Transmits the prescription and other confidential patient information using a secured socket level protocol or other type of transmission at least as secure from interception and comprehension; and*

*(g) The prescription may not be modified by the recipient of the prescription unless the recipient's computer system:*

*(i) Automatically makes a notation or flag within the computer's records that indicates that the data has been modified;*

*(ii) Requires the making of a record of the identity of the person who made the modification; and*

*(iii) Allows for modification only once.*

*2. A pharmacy that receives a prescription from a practitioner using an approved computer system may fill the prescription if:*

*(a) The pharmacy prints the prescription onto paper that is then filed in the pharmacy's records like the other prescriptions maintained in the pharmacy; or*

*(b) The pharmacy's computer system keeps the prescription in the serially numbered records in the pharmacy's computer system and the pharmacy's computer system can print a copy of the prescription. If the pharmacy chooses to maintain the electronically transmitted prescriptions in the pharmacy computer system without routinely printing the records for the pharmacy's files, the prescription records in the pharmacy's computer system must be replicated on a compact disk, digital versatile disk, data tape, or other similar storage medium on a daily basis and the copy of the data must be taken out of the pharmacy and stored off site.*

*3. A prescription made by a computer system approved by the board may be transmitted by a practitioner or the pharmacy to an insurer for the patient where:*

*(a) The prescription cannot be modified by the insurer; and*

*(b) The patient has been notified by the practitioner or the insurer that the prescription may be transmitted to the insurer and the patient has assented in writing to such a transmission.*

*4. A prescription for a controlled substance in schedule II may not be transmitted by a computer system.*

**Workshop 4/25/02**