

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

LCB File No. R067-02

May 31, 2002

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

AUTHORITY: §1, NRS 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 subsection 6, a practitioner may:*
 - (a) Issue a prescription using a computer system approved by the board; and*
 - (b) Transmit the prescription using that computer system to a pharmacist specified by the patient for whom the practitioner issues the prescription.*

- 2. The board will approve the computer system of a practitioner if the computer system:*
 - (a) Requires, before each use of the device that is used to enter information into the computer system, a fingerprint scan, retinal scan, personal identification number or other unique identification of the practitioner;*
 - (b) Maintains a record of:*
 - (1) Each prescription that the practitioner issues using the computer system; and*
 - (2) Each pharmacy to which the practitioner submits the prescription;*
 - (c) Is able to print a written prescription that complies with NRS 639.2353 and NAC 453.440;*

(d) Places on the face of the prescription, when it is printed from the computer system of the practitioner or the pharmacist to whom the practitioner transmits the prescription, or when it is displayed on the monitor of the computer of the pharmacist, a mark that uniquely identifies the practitioner, including, without limitation, the practitioner's signature or a security code which is known to or verifiable by the pharmacist;

(e) Transmits, with the prescription, the ICD-9-CM code set forth in the International Classification of Diseases, 9th revision, Clinical Modification, or any other code approved by the board that identifies the practitioner's diagnosis of the patient for whom the practitioner issues the prescription;

(f) Transmits the prescription and any other confidential information relating to the patient in a manner which ensures that the prescription may not be intercepted and understood by a person other than the pharmacist; and

(g) Prohibits each pharmacist to whom the prescription is transmitted from modifying the prescription unless the computer system of the pharmacist:

(1) Automatically prepares a flag or other notation within the records of the computer system indicating that the pharmacist has modified the prescription;

(2) Requires the pharmacist to prepare a record indicating the identity of the person who modified the prescription; and

(3) Allows the pharmacist to modify the prescription only once.

3. A pharmacist who receives a prescription from a practitioner using a computer system which is approved by the board may fill that prescription if:

(a) The pharmacist prints a copy of the prescription and files the copy in the same manner in which he files any other prescription maintained by him; or

(b) The computer system of the pharmacist:

(1) Maintains the prescription in a manner which ensures that the prescription is numbered consecutively in accordance with NAC 639.914; and

(2) Is able to print a copy of the prescription.

4. If a pharmacist fills a prescription pursuant to paragraph (b) of subsection 3, the pharmacist shall each day:

(a) Duplicate the prescription on a tape, disk or other device that is used for the storage of information by a computer; and

(b) Store the tape, disk or device:

(1) At a location other than the pharmacy; and

(2) In a manner which protects it from loss or damage.

5. Except as otherwise provided in subsection 6, a practitioner or pharmacist may transmit a prescription for a patient to the patient's insurer using a computer system that is approved by the board if:

(a) The insurer is unable to use its computer system to modify the prescription; and

(b) Before transmitting the prescription:

(1) The practitioner or insurer notifies the patient that the practitioner or pharmacist may transmit the prescription to the insurer; and

(2) The patient consents in writing to the transmission of the prescription.

6. A prescription for a controlled substance set forth in schedule II may not be transmitted using a computer system pursuant to this section.