**PROPOSED REGULATION OF THE**

**STATE BOARD OF PHARMACY**

**LCB File No. R017-03**

July 31, 2003

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

AUTHORITY: §§1-3, NRS 639.070.

**Section 1.** NAC 639.720 is hereby amended to read as follows:

639.720 1. ~~[A]~~ ***Except as otherwise provided in subsection 4, a*** mechanical device may be used to furnish drugs and medicines for administration to registered patients in a medical facility. The device must conform to all of the following provisions:

(a) All drugs and medicines stocked in the device must be approved for use in the device by a registered pharmacist employed by the:

(1) Medical facility in which the drug or medicine is administered; or

(2) Pharmacy that supplies the medical facility in which the drug or medicine is administered.

(b) Access to the device must be:

(1) Limited to ~~[supportive personnel,]~~ ***pharmaceutical technicians, pharmaceutical technicians in training,*** intern pharmacists, registered pharmacists, licensed practical nurses ~~[or]~~ **,** registered nurses ~~[employed]~~ ***or other practitioners who are:***

***(I) Authorized by law to prescribe or administer controlled substances, poisons, or dangerous drugs and devices; and***

***(II) Employed*** by the medical facility or pharmacy that supplies the medical facility.

(2) Monitored and controlled by the pharmacy which supplies the medical facility or the registered pharmacist who is employed by the medical facility.

(c) Each container of a drug or medicine stored in the device must be labeled in a manner which includes the information required pursuant to subsection 2 of NAC 639.476.

(d) The device must be designed in such a manner that:

(1) Each time a person obtains access to the device, it automatically prepares a record which is readily retrievable and which includes:

(I) The name, strength, quantity and form of dosage of the drug or medicine which is stocked, inventoried or removed for administration to a patient;

(II) The day and time access to the device is obtained;

(III) If a drug or medicine is removed for administration to a patient, the name of the patient;

(IV) An inventory of the drugs and medicines stored in the device; and

(V) The name of the person who obtained access to the device.

(2) Access to the device may be obtained only by a person with the use of a code which identifies that person.

~~[(3) It prepares a permanent record of any waste of a controlled substance which must be witnessed by a person other than the person who obtains access to the device pursuant to paragraph (g) of subsection 1 of NAC 639.486. The person who witnesses the preparation of the record of waste must include his name in the record.]~~

2. A pharmacy which supplies drugs and medicines to a medical facility which are furnished by a mechanical device pursuant to subsection 1 ~~[,]~~ shall maintain a written policy which sets forth:

(a) The duties of all persons who are authorized to obtain access to the device; and

(b) The procedure for:

(1) Maintaining the security of the drugs and medicines stored in the device during the maintenance and repair of the device;

(2) The preparation of an inventory of the drugs and medicines stored in the device; and

(3) Stocking the device with drugs and medicines.

3. ***A pharmacy which supplies drugs or medicines to a medical facility which uses a mechanical device to furnish drugs or medicines for administration to patients pursuant to subsection 1 shall provide written notice to the Board. The notice must include:***

***(a) A description of each mechanical device used by the medical facility to furnish drugs or medicines for administration to patients, including, without limitation, the name of the manufacturer of the device; and***

***(b) The address of the medical facility at which the mechanical device is located.***

***4. A pharmacy shall not stock a mechanical device with drugs or medicines and a mechanical device must not be used to furnish drugs or medicines for administration to patients until:***

***(a) The pharmacy has notified the Board as required by subsection 3; and***

***(b) The Board has issued a certificate to the pharmacy that authorizes the use of the mechanical device at the medical facility at which the mechanical device is located.***

***5. Each medical facility that uses a mechanical device pursuant to this section must make and maintain a record of any waste of a controlled substance in the manner provided in NAC 639.486. The record of any waste of a controlled substance may be prepared:***

***(a) By the mechanical device if the mechanical device is capable of making and maintaining such a record and documenting the record of the waste being witnessed by another person as provided in paragraph (g) of subsection 1 of NAC 639.486; or***

***(b) As a written record.***

***6.*** As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

**Sec. 2.** NAC 639.035 is hereby repealed.

**Sec. 3.** This regulation becomes effective on October 1, 2003, or upon filing with the Secretary of State, whichever occurs later.

---

**TEXT OF REPEALED SECTION**

---

**639.035 "Supportive personnel" interpreted.** For the purposes of NRS 639.0152, "supportive personnel" includes:

1. Pharmaceutical technicians; and
2. Pharmaceutical technicians in training.