

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

LCB File No. R155-04

August 27, 2004

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

AUTHORITY: §§1 and 2, NRS 639.0745.

A REGULATION relating to pharmacy; authorizing the transfer of a prescription from a pharmacy to another pharmacy by a facsimile machine; and providing other matters properly relating thereto.

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

1. Information relating to a prescription may be transferred from a pharmacy to another pharmacy by a facsimile machine pursuant to NAC 639.713 if:

(a) The transmission from the transferring pharmacy includes the information required by subsection 2 of NRS 639.2353 and includes:

(1) A copy of the original prescription maintained in the records of the transferring pharmacy on which the pharmacist at the transferring pharmacy has signed the copy and written his license number; or

(2) The signature and handwritten license number of the pharmacist at the transferring pharmacy and a notation that specifically indicates that the pharmacist intends to transfer the prescription.

(b) The transmission is prepared and transmitted by a pharmaceutical technician or pharmacist at the transferring pharmacy.

(c) Except as otherwise provided in subsection 2, the pharmacist at the transferring pharmacy processes the original prescription in the manner prescribed in paragraph (a) and subparagraphs (1), (2) and (3) of paragraph (b) of subsection 1 of NAC 639.714.

2. A pharmacy which maintains its records of prescriptions in a computer system shall invalidate in its system a prescription transferred by a facsimile machine to another pharmacy. A pharmacy which transfers a prescription by a facsimile machine and maintains a scanned copy of the prescription in its computer system is not required to process the original prescription in the manner prescribed in paragraph (c) of subsection 1 if the pharmacy cancels the prescription stored in its computer system in a manner which ensures that the prescription cannot be refilled by that pharmacy.

Sec. 2. NAC 639.713 is hereby amended to read as follows:

639.713 1. Except as otherwise provided in subsection 4, a transfer of information between pharmacies relating to a prescription for a dangerous drug or controlled substance for the purpose of filling and dispensing that prescription is subject to the following conditions:

(a) Information relating to a prescription and any remaining number of refills may be transferred orally, ~~or~~ by a *facsimile machine in accordance with section 1 of this regulation or by a* computer.

(b) An oral transfer must be communicated directly between two registered pharmacists.

(c) The original and the transferred prescriptions must be maintained for 2 years after the date on which the prescription was filled.

(d) Information relating to a prescription may be transferred by a computer if:

(1) The computer that transfers the information reduces, at the time the information is transferred, the number of refills authorized by the original prescription; and

(2) The computer that receives the information allows the transfer of the prescription for a controlled substance only once.

2. A pharmacist who receives a prescription for a controlled substance which has been transferred by a computer shall inform the patient that the prescription may be transferred only once.

3. A pharmacy shall not, without first notifying the Board:

(a) Sell, give or otherwise transfer all its prescription files, including information relating to patients and practitioners, to another pharmacy, including a pharmacy under its control or ownership; or

(b) Receive all the prescription files, including information relating to patients and practitioners, from another pharmacy, including a pharmacy under its control or ownership.

↪ A file transferred pursuant to this subsection is not a transfer of information between pharmacies for the purposes of subsection 1 ~~H~~, *regardless of whether the transfer occurs before or after the prescription is filled.*

4. A prescription for a controlled substance listed in schedule II must not be transferred pursuant to the provisions of this section.