

Chapter 639 of NAC

LCB File No. T025-04

ADOPTED TEMPORARY REGULATION OF THE
STATE BOARD OF PHARMACY

Filed with the Secretary of State on December 15, 2004

OFF-SITE COGNITIVE PHARMACEUTICAL SERVICES FOR
INSTITUTIONAL PHARMACIES

Section 1. NAC chapter 639 is hereby amended to add the following new language:

1. *“Off-site pharmaceutical services” means cognitive pharmaceutical services rendered by a pharmacy licensed by the board in lieu of services provided by a pharmacy located in a hospital in Nevada when the pharmacy located in a hospital is not operating. Off-site pharmaceutical services do not include the physical preparation or dispensing of prescription drugs. The pharmaceutical services that may be provided as off-site pharmaceutical services are:*

(a) Receiving, interpreting or clarifying a medication order into the hospital’s or the pharmacy’s computer system;

(b) Entering data regarding a medication order;

(c) Transferring medication order information to or from the pharmacy or other hospital staff located in a hospital in Nevada;

(d) Interpreting clinical data regarding a patient in a hospital in Nevada;

(e) Performing therapeutic interventions regarding the treatment of a patient in a hospital in Nevada; and

(f) Providing drug information concerning medication orders or the treatment of a patient in a hospital in Nevada.

2. *“Off-site pharmaceutical services provider” means a pharmacy licensed by the board that provides one or more off-site pharmaceutical services to a pharmacy located in a hospital in Nevada.*

Section 2. NAC chapter 639 is hereby amended to add the following new language:

1. *Each pharmacy required to have a full-time managing pharmacist pursuant to NAC 639.465 shall provide pharmaceutical services by:*

(a) Operating at all times; or

(b) Providing pharmaceutical services through a pharmacist on duty when the pharmacy is operating and:

(i) A pharmacist who is a member of the pharmacy’s staff who is available at all hours when the pharmacy is not operating; or

(ii) An off-site pharmaceutical services provider when the pharmacy is not operating.

2. *A pharmacy that chooses to use an off-site pharmaceutical services provider pursuant to subsection 1(b)(ii) may provide pharmaceutical services through an off-site pharmaceutical services provider where:*

(a) The provider of off-site pharmaceutical services and the hospital in Nevada are commonly owned; or

(b) The provider of off-site pharmaceutical services and the hospital in Nevada have entered into a written contract.

3. *The pharmacist employed by an off-site pharmaceutical services provider, when providing pharmaceutical services, must:*

(a) Be licensed in Nevada;

(b) Be provided at the pharmacy from which he is providing pharmaceutical services the same computer system and the same access to the same data that would be available to a pharmacist working in the pharmacy at the hospital in Nevada, which information must include but is not limited to:

(i) The patient's height, weight, and age;

(ii) The patient's complete record regarding all drugs and medications;

(iii) All relevant laboratory test results to the extent that those results are entered into the hospital's or hospital's pharmacy's computer system;

(iv) The patient's health history and physical examination notes to the extent that those notes are entered into the hospital's or hospital's pharmacy's computer system;

(v) Physicians' and nurses' notes to the extent that those notes are entered into the hospital's or hospital's pharmacy's computer system;

(vi) A legible copy of the physician's order, provided either through a scanned image in the hospital's or hospital's pharmacy's computer system or by a facsimile copy provided to the pharmacist by the hospital in Nevada;

(vii) Any other information that may be contained in the hospital's or hospital's pharmacy's computer system that would be relevant or needed for a pharmacist to provide the requested pharmaceutical services;

(c) Have demonstrated to the provider of off-site pharmaceutical services that he is competent and knowledgeable regarding the computer system used by the hospital in Nevada and the providing of cognitive pharmaceutical services in a hospital;

(d) Before rendering pharmaceutical services regarding an order, review the information provided through the computer system and contact with hospital personnel, when needed, to evaluate:

(i) Overutilization or underutilization of a drug;

(ii) Therapeutic duplication;

(iii) Appropriateness of the dose and route of administration;

(iv) Appropriateness of the directions for use;

(v) Drug-disease contraindications;

(vi) Drug-drug interactions;

(vii) Appropriateness of the duration of drug treatment;

(viii) Drug-allergy interaction; or

(ix) Clinical abuse or misuse of a drug;

(e) Not provide pharmaceutical services if the pharmacist deems that he cannot reasonably or safely provide the services requested;

(f) For all pharmaceutical services provided, record in the computer system:

- (i) His name or other unique identifying mark;*
 - (ii) The date and time that he provided the pharmaceutical services; and*
 - (iii) An indicator of the pharmaceutical services provided;*
 - (g) Be trained regarding and abide by the hospital's and the hospital's pharmacy's policies and procedures regarding the pharmaceutical services provided and the security and confidentiality of the information being provided and used by the pharmacist; and*
 - (h) Be trained regarding and abide by any special policies and procedures required by the hospital, the hospital's pharmacy, or the off-site pharmaceutical services provider related to the pharmaceutical services provided.*
- 4. The managing pharmacist or the hospital in Nevada, in their discretion, may refuse to allow or may otherwise condition the pharmaceutical services provided by a pharmacist employed by the off-site pharmaceutical services provider.*
- 5. In an emergency, a pharmacist may render off-site pharmaceutical services without all of the information required in subsection 3(b) as long as the pharmacist is satisfied in his professional judgment that he has received from the hospital's staff adequate information upon which to base his judgment.*
- 6. If a hospital does not maintain some or all of the information in subsections 3(b)(iii), (iv), (v), and (vii), the hospital shall make available such information through other means when requested by the pharmacist who is providing off-site pharmaceutical services.*
- 7. If a pharmacist refuses to render off-site pharmaceutical services pursuant to subsection 3(e), the pharmacist shall, as soon as practicable, notify the hospital that he is refusing to render off-site pharmaceutical services so that the hospital can make other arrangements for the provision of pharmaceutical services to the patient.*

Section 3. NAC chapter 639 is hereby amended to add the following new language:

- 1. A provider of off-site pharmaceutical services must make, maintain, and abide by policies and procedures for:*
- (a) Protecting and assuring the confidentiality and integrity of patient information;*
 - (b) Assuring that the pharmacist providing pharmaceutical services can comply with Section 2, subsection 3 of this regulation;*
 - (c) Complying with all applicable federal and Nevada statutes, regulations, and rules;*
 - (d) Conducting a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems;*
 - (e) Reviewing at least annually the policies and procedures and documenting such review;*
 - (f) Making and keeping of records required by federal law, Nevada law, and this regulation, which records must be readily accessible to the board and its employees, agents, and designees;*
 - (g) Assuring that the pharmacist providing the pharmaceutical services can speak with identified employees at the hospital in Nevada as needed to provide the pharmaceutical services, which must include the identification of and ability to speak with a pharmacist employed by the hospital or the hospital's pharmacy at any time; and*
 - (h) Providing pharmaceutical services whenever an off-site pharmaceutical services provider temporarily or permanently cannot provide off-site pharmaceutical services.*

SOURCE DOCUMENTS

Texas Regulations, Title 22, Part 15, Chapter 291, Subchapter B, §291.38

Proposed Regulations from Washington

Proposed Regulations from Florida (version December 2003)

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T025-04**

The State Board of Pharmacy adopted temporary regulations assigned LCB File No. T025-04 which pertain to chapter 639 of the Nevada Administrative Code on December 15, 2004.

INFORMATIONAL STATEMENT

1. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

All interested parties may obtain a copy of the letter received as public response by written or verbal request to: Nevada State Board of Pharmacy, 555 Double Eagle Court, Suite 1100, Reno, Nevada, 89521.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was 1 .
The number of persons who testified at the hearing was 1 .
The number of agency submitted statements was 1 .

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

All response from affected businesses relative to this proposed regulation expressed support for the amendment.

All interested parties may obtain a summary of public response by written or verbal request to: Nevada State Board of Pharmacy, 555 Double Eagle Court, Suite 1100, Reno, Nevada, 89521.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The proposed regulation was adopted with minor changes.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

This regulation should have no economic impact on affected businesses or on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation will have no immediate or long-term economic effects on business or the public.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no additional or special costs incurred by the board for enforcement of this regulation.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

8. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

This regulation does not provide a new or increase of fees.