

**ADOPTED REGULATION OF
THE STATE BOARD OF PHARMACY**

LCB File No. R015-05

Effective October 31, 2005

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

AUTHORITY: §§1-10, NRS 639.070, 639.071 and 639.072.

A REGULATION relating to institutional pharmacies; authorizing the use of off-site pharmaceutical service providers by certain pharmacies located within hospitals and correctional institutions; and providing other matters properly relating thereto.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Chart order” has the meaning ascribed to it in NAC 639.442.*

Sec. 4. *“Correctional institution” has the meaning ascribed to it in NAC 639.4465.*

Sec. 5. *“Off-site pharmaceutical service provider” means a pharmacy that provides remote chart order processing services to a hospital or correctional institution that is owned by the same entity as the pharmacy or with which the pharmacy has contracted to provide remote chart order processing services.*

Sec. 6. *“Remote chart order processing services” means nondispensary pharmaceutical services provided by an off-site pharmaceutical service provider in lieu of those services being*

provided by a pharmacy located in a hospital or correctional institution and includes, without limitation:

- 1. Receiving, interpreting and clarifying a chart order received from a hospital or correctional institution.*
- 2. Entering information regarding a chart order into the computerized data system of a hospital or correctional institution.*
- 3. Transferring information regarding a chart order from the off-site pharmaceutical service provider to members of the staff of the hospital or correctional institution that submitted the chart order.*
- 4. Interpreting clinical data regarding a patient of a hospital or correctional institution.*
- 5. Performing therapeutic interventions regarding a patient of a hospital or correctional institution.*
- 6. Providing information to the appropriate staff of a hospital or correctional institution regarding a chart order submitted by the hospital or correctional institution.*
- 7. Providing information regarding the treatment of a patient of a hospital or correctional institution.*

Sec. 7. A pharmacy located within a hospital or correctional institution that is required to have a full-time managing pharmacist pursuant to NAC 639.465 may satisfy that requirement by:

- 1. Operating at all times; or*
- 2. Employing a pharmacist who is on duty at all times that the pharmacy is operating and either:*

(a) Employing a pharmacist who is available at all times that the pharmacy is not operating; or

(b) Contracting with an off-site pharmaceutical service provider that is available at all times that the pharmacy is not operating.

Sec. 8. 1. *A pharmacist who is employed by an off-site pharmaceutical service provider to provide remote chart order processing services to a hospital or correctional institution pursuant to section 7 of this regulation must:*

(a) Be licensed to practice in Nevada;

(b) Be trained in the policies and procedures of the hospital or correctional institution regarding all policies and procedures of the hospital or correctional institution with which the pharmacist must comply, including, without limitation, the provision of pharmaceutical services, security and confidentiality of patient records;

(c) Except as otherwise provided in subsection 3, be provided with the same computerized system and access to data regarding a patient for whom a chart order has been submitted that would be available to a pharmacist employed by the pharmacy located within the hospital or correctional institution, including, without limitation:

(1) The height, weight and age of the patient and any allergies that the patient may have;

(2) The medical records regarding any medications prescribed to the patient;

(3) The results of any relevant laboratory tests, to the extent that those results are available in the computerized system of the hospital or correctional institution;

(4) The health history and notes regarding physical examinations, to the extent that the information is available in the computerized system of the hospital or correctional institution;

(5) Any notes provided by a physician, nurse or other medical staff of the institution, to the extent that those notes are available in the computerized system of the hospital or correctional institution;

(6) A legible copy of the chart order that is available through a scanned image in the computerized system of the hospital or correctional institution or by facsimile machine; and

(7) Any other information that is available in the computerized system of the hospital or correctional institution that is relevant or necessary for the pharmacist to provide pharmaceutical services; and

(d) Demonstrate to the off-site pharmaceutical service provider that the pharmacist is competent and knowledgeable in the use of the computerized system of the hospital or correctional institution and in providing pharmaceutical services in a hospital or correctional institution.

2. Before a pharmacist who is employed by an off-site pharmaceutical service provider provides remote chart order processing services to a hospital or correctional institution, the pharmacist must review any relevant information regarding the patient for whom a chart order has been submitted. The pharmacist must, before approving a chart order to be filled, evaluate:

(a) The overutilization or underutilization of a medication;

(b) Therapeutic duplication;

(c) The appropriateness of the prescribed dosage and route of administration;

(d) The appropriateness of the directions for use of the medication;

(e) The appropriateness of the duration of the treatment with the prescribed medication;

(f) Any contraindications of the medication and a particular disease, ailment or allergy of the patient;

(g) Any contraindications or interactions between multiple medications prescribed for the patient; and

(h) The potential abuse or misuse of a medication.

3. In an emergency, a pharmacist may render remote chart order processing services without being provided with all of the information required by paragraph (c) of subsection 1 if the pharmacist believes, in his professional judgment, that he has received sufficient information from the staff of the hospital or correctional institution to render the services.

4. A pharmacist who is employed by an off-site pharmaceutical service provider may refuse to approve the filling of a chart order if, in the judgment of the pharmacist, the chart order is not safe or reasonable for the patient. A pharmacist who refuses to approve the filling of a chart order pursuant to this subsection must notify the hospital or correctional institution as soon as practicable that he has refused to approve the filling of the chart order.

5. Each time that a pharmacist who is employed by an off-site pharmaceutical service provider provides remote chart order processing services pursuant to this section, the pharmacist shall make a notation in the computerized system of the hospital or correctional institution that indicates:

(a) The name or other identifier of the pharmacist;

(b) The date and time that the pharmacist provided the services and, if applicable, approved the filling of a chart order; and

(c) The specific services provided by the pharmacist.

6. The managing pharmacist of a pharmacy that has a contract with or is owned by the same entity as an off-site pharmaceutical service provider may limit the remote chart order processing services provided by a pharmacist employed by the off-site pharmaceutical service provider.

Sec. 9. Each off-site pharmaceutical service provider shall establish and follow policies and procedures for:

- 1. Protecting the confidentiality and integrity of patient information;*
- 2. Assuring that pharmacists employed by the off-site pharmaceutical service provider comply with the provisions of section 8 of this regulation;*
- 3. Complying with all applicable state and federal statutes, regulations and rules, including, without limitation, maintaining records;*
- 4. Ensuring that its records are made readily accessible to members of the Board and employees, agents and designees of the Board;*
- 5. Conducting an ongoing program for the improvement of the provision of pharmaceutical services that is designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, improve patient care and resolve problems identified by the program;*
- 6. Performing an annual review of the program conducted pursuant to subsection 5;*
- 7. Assuring that the pharmacists employed by the off-site pharmaceutical service provider are able to communicate with identified employees of the hospital or correctional institution as necessary to provide pharmaceutical services, including, without limitation, communicating with pharmacists employed by the hospital or correctional institution; and*

8. The provision of pharmaceutical services at times when the off-site pharmaceutical service provider temporarily or permanently cannot provide such services.

Sec. 10. NAC 639.465 is hereby amended to read as follows:

639.465 1. ~~Each~~ *Except as otherwise provided in section 7 of this regulation, each* pharmacy located in a:

- (a) Hospital with 100 beds or more; or
- (b) Correctional institution housing 1,500 inmates or more,

↪ must have one full-time managing pharmacist. That pharmacist may be a managing pharmacist for only one such pharmacy.

2. Each pharmacy located in a:

- (a) Hospital with less than 100 beds; or
- (b) Correctional facility housing less than 1,500 inmates,

↪ must have one managing pharmacist who is retained as a consultant, or who is employed part time or full time.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R015-05**

The State Board of Pharmacy adopted regulations assigned LCB File No. R015-05 which pertain to chapter 639 of the Nevada Administrative Code on September 8, 2005.

Notice date: 8/4/2005
Hearing date: 9/8/2005

Date of adoption by agency: 9/8/2005
Filing date: 10/31/2005

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

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.

There was no public response expressed relative to this proposed regulation.

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 0 .

The number of persons who testified at the hearing was 0 .

The number of agency submitted statements was 0 .

There was no public response expressed relative to this proposed regulation.

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.

There was no response from affected businesses relative to this proposed regulation.

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.