

Chapter 639 of NAC

LCB File No. T013-06

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

**USE OF RETAIL DELIVERY DEVICE**

**Section 1.** NAC chapter 639 shall be amended to add the following new language:

*1. A pharmacy may use a mechanical device to deliver prescriptions to a patient where the device:*

*(a) Contains only prescriptions for which counseling is not required by NAC 639.707(1);*

*(b) Cannot be used by a patient unless the patient has previously indicated to the pharmacy that he desires that his prescriptions to be delivered by the mechanical device;*

*(c) Contains only prescriptions that have been processed, verified, and completed in the same manner as if the prescriptions were going to be delivered manually by the pharmacy;*

*(d) Can deliver any one, any combination of, or all of a the prescriptions available to a patient at the option of the patient at the time the patient picks up his prescriptions;*

*(e) Is located so that access for the purposes of filling, cleaning, maintenance, or other such purposes can only be gained by pharmacy staff from within the secured area of a pharmacy and is secure from unauthorized access and removal of prescriptions by any person outside the pharmacy;*

*(f) Provides a method to identify the patient and delivers the prescription only to that patient or the patient's authorized agent;*

*(g) Records the identity of the pharmacy personnel who authorized access to the device;*

*(h) Records the time and date that the patient removed the prescription from the device;*

*(i) Does not contain any prescriptions for controlled substances in schedule II;*

*(j) Informs a patient, if he is using the device at the time that the pharmacy is open, that the patient may address questions and concerns regarding the prescription to a pharmacist at the pharmacy;*

*(k) Informs a patient, if he is using the device at the time that the pharmacy is closed, that the patient may address questions and concerns regarding the prescription to a pharmacist at a toll-free telephone number at which a pharmacist at a pharmacy licensed by the Board will respond at all hours when the pharmacy is closed. The pharmacist who responds to questions under this subsection must have access to the same information by computer regarding the patient that he would have if he were using the computer system in the pharmacy at which the device is located;*

*(l) Informs a patient that a prescription is not available to be delivered by the device if the pharmacist has determined that he desires to counsel the patient regarding the prescription; and*

*(m) Cannot be used by a patient outside the pharmacy building.*

*2. A pharmacy may not use a mechanical device to deliver prescriptions to patients until it has notified the board in writing:*

*(a) The type of device that will be used; and*

*(b) The anticipated date that the device will first be used.*

*The board may inspect the mechanical device before it is allowed to be used.*

*3. The board may prohibit a pharmacy from using a mechanical device to deliver prescriptions to a patient if the board determines that the device does not comply with this section or that the pharmacy's use of the device does not comply with this section.*