

Chapter 639 of NAC

LCB File No. T020-07

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

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

1. Except as provided in subsection 7, wherever a signature or initial by a pharmacist or pharmaceutical technician is required, the signature or initial of a pharmacist or pharmaceutical technician may be handwritten or made in the pharmacy's computer system.

2. When a signature or initial is handwritten by a pharmacist or pharmaceutical technician, the signature or initial must be:

(a) Made personally by the pharmacist or pharmaceutical technician;

(b) In ink;

(c) Made contemporaneously with the act for which the signature or initial is required;

and

(d) Upon the document for which the signature or initial is required.

3. When a signature or initial is made in the pharmacy's computer system, the signature or initial must be:

(a) Made personally by the pharmacist or pharmaceutical technician;

(b) Made contemporaneously with the act for which the signature or initial is required;

(c) Recorded in the pharmacy's computer system along with the date and time the pharmacist or pharmaceutical technician performed the act in such a way that it cannot be modified or deleted;

(d) Made by a method that assures that the act for which the computer system is attaching the pharmacist's or pharmaceutical technician's signature or initial is actually being done by the particular pharmacist or pharmaceutical technician at the time the signature or initial is attached by the pharmacy's computer system to a particular act, which method may be by:

(1) Biometric identification of the pharmacist or pharmaceutical technician required each time an act will be attributed to the specific pharmacist or pharmaceutical technician;

(2) Identification by bar code, magnetic strip, radio frequency identification chip, or other similar technology which must be utilized each time an act will be attributed to the specific pharmacist or pharmaceutical technician; or

(3) Identification by a personal identification number, password, or other similar type of unique code within the pharmacy's computer system which must be entered each time an act will be attributed to the specific pharmacist or pharmaceutical technician.

4. A pharmacy is not required to maintain a written record of refills pursuant to NAC 639.918 if the pharmacist's initial that will be placed upon the record of a refill in the pharmacy's computer system complies with this regulation. A pharmacy must still maintain a record of the refill of a prescription required by NRS 639.2392(1).

5. If a pharmacy's computer system makes initials or signatures for a pharmacist or pharmaceutical technician for acts for which no such initial or signature is required by Nevada law, the initial or signature made by the pharmacy's computer system must still comply with the requirements of subsection 3.

6. A pharmacy may not use a computer system to make a signature or initial for a pharmacist or pharmaceutical technician until the computer system has been approved by staff for the board by assuring that the computer system complies with this regulation.

7. The following signatures or initials may only be made pursuant to subsection 2 of this regulation:

(a) The sale of a Schedule "A" poison pursuant to NRS 454.050;

(b) The first filling of a prescription pursuant to NRS 639.236;

(c) The making and providing the copy of a prescription pursuant to NRS 639.238;

(d) The selling of procaine hydrochloride pursuant to NRS 639.2845;

(e) The adding of missing information on a controlled substances prescription pursuant to NAC 453.440;

(f) The cancellation of a prescription for a controlled substance in schedule II pursuant to NAC 453.450(3);

(g) The training records for in-service training for pharmaceutical technicians pursuant to NAC 639.254;

(h) The making of DEA 222C forms pursuant to NAC 639.487; and

(i) The changing of a pharmacy's policies and procedures by the managing pharmacist pursuant to NAC 639.941.

Section 2. NAC 639.707 shall be amended to read as follows:

1. Except as otherwise provided in this section, a pharmacist or intern pharmacist under the supervision of a pharmacist shall verbally provide a patient or a person caring for the patient with information about each prescription drug or device dispensed to the patient that:

(a) Has not been previously dispensed to the patient from that pharmacy; or

(b) Has been previously dispensed to the patient from that pharmacy, including, without limitation, a prescription drug or a device that is being refilled, if, in the professional judgment of the pharmacist or intern pharmacist:

(1) Such information would further or improve the drug therapy of the patient; or

(2) A reasonable concern relating to the safety or efficacy of the drug therapy of the patient was raised by the review of the patient's record that the pharmacist or intern pharmacist conducted pursuant to subsection 4.

2. The information provided by the pharmacist or intern pharmacist pursuant to subsection 1 must include, without limitation:

(a) The name and a description of the drug;

(b) The form of dosage, dose, route of administration and duration of drug therapy;

(c) The intended use of the drug or device and expected responses from that use;

(d) Any special directions and precautions for the preparation, administration and use of the drug or device by the patient;

(e) Any common severe side effects, interactions and contraindications that may occur, recommendations to avoid these side effects, interactions or contraindications, and the action required if they occur;

(f) Techniques for the patient or the person caring for the patient to monitor the drug therapy;

(g) Proper storage of the drug or device;

(h) Information about refilling the prescription;

(i) Actions to be taken in the event of a missed dose;

(j) Any relevant information contained in the record of medication of the patient; and

(k) Any other information which, in the professional judgment of the pharmacist or intern pharmacist, is necessary to assure the safe and effective use of the drug or device by the patient.

3. The pharmacist or intern pharmacist shall provide the information required pursuant to subsections 1 and 2 in written form to the patient if a drug or device will be distributed to the patient outside the confines of the pharmacy by mail or any other delivery service. A pharmacist or intern pharmacist is not required to provide written information pursuant to this subsection if the drug or device is being delivered to a patient who is in a licensed medical facility where other licensed health care professionals are authorized to administer drugs.

4. The pharmacist or intern pharmacist shall review a patient's record before dispensing a prescription to determine its therapeutic appropriateness by considering:

(a) Overutilization of the drug and drug abuse;

(b) Underutilization of the drug and therapeutic ineffectiveness;

(c) Therapeutic duplications and contraindications;

(d) Interactions between the drug and any:

- (1) Other drugs which the patient is taking or has recently taken;
- (2) Diseases which the patient has, including any stages of that disease; and
- (3) Allergies that the patient may have; and

(e) Incorrect dosage or duration of treatment.

5. A pharmacist or intern pharmacist is not required to counsel a patient pursuant to this section if the patient or a person caring for the patient refuses to accept the counseling.

6. Except as otherwise provided in subsection 9, the pharmacist or intern pharmacist shall, at the time that counseling is provided or refused:

(a) Initial by his own hand a written document that is maintained at the pharmacy to record whether counseling was provided to or refused by a patient or the person caring for the patient; or

(b) Enter an initial ~~[for other identifying mark]~~ *pursuant to section 1 of this regulation* onto a record in a computerized system used by the pharmacy for recording information concerning prescriptions to indicate whether counseling was provided to or refused by a patient or the person caring for the patient.

7. ~~[In addition to meeting the requirements set forth in NAC 639.910 to 639.938, inclusive, a computerized system used by a pharmacist or intern pharmacist pursuant to paragraph (b) of subsection 6 must:~~

~~—(a) Be capable of indelibly recording the date and time the pharmacist or intern pharmacist entered the initial or other identifying mark onto the record in the computerized system;~~

~~—(b) Require the entry of an initial or identifying mark every time a record concerning counseling is created or altered; and~~

~~—(c) Prohibit the creation or alteration of a record concerning counseling by a person other than the pharmacist or intern pharmacist who has counseled or attempted to counsel the patient or the person caring for the patient.~~

~~—8.]~~ A pharmacy shall retain the documentation described in subsection 6 in the records of the pharmacy for at least 2 years.

~~[9]~~ 8. The pharmacist or intern pharmacist is not required to comply with the provisions of subsection 6 if:

(a) The prescription drug or device dispensed to the patient is being refilled; and

(b) The patient or the person caring for the patient refuses to accept counseling from the pharmacist or intern pharmacist.

Section 3. Any pharmacy that is using a computer system that is making the initial or signature of a pharmacist or pharmaceutical technician before the effective date of this regulation shall have 60 days from the effective date of this regulation to receive approval from the board's staff of the computer system as though the computer system were a new computer system under subsection 5 of section 1 of this regulation. Any pharmacy whose computer system does not receive the approval from the board's staff pursuant to this section must cease making an initial or signature for a pharmacist or pharmaceutical technician with the computer system until the computer system is subsequently approved by the board's staff.

**SECTIONS OF NAC THAT REQUIRE SIGNATURES OR INITIALS TO WHICH THE REGULATION
WOULD APPLY**

NAC 453.490	NAC 639.492
NAC 639.245	NAC 639.512
NAC 639.252	NAC 639.5832
NAC 639.268	NAC 639.712
NAC 639.475	NAC 639.725