

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

**LCB File No. R160-10**

January 12, 2011

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

AUTHORITY: §1, NRS 639.070 and 639.0745.

A REGULATION relating to prescriptions; providing that the requirements of certain federal regulations must be satisfied before a prescription is transmitted electronically; and providing other matters properly relating thereto.

**Section 1.** NAC 639.7105 is hereby amended to read as follows:

639.7105 Except as otherwise provided in NAC 639.711:

1. A prescription for:

- (a) A controlled substance listed in schedule II must not be transmitted electronically.
- (b) A dangerous drug or a controlled substance listed in schedule III, IV or V may be

transmitted electronically by a practitioner to a pharmacy.

2. A practitioner shall not transmit a prescription electronically to a pharmacy unless:

(a) He is the only person who will have access to the prescription until it is received by the pharmacy; ~~[and]~~

(b) The patient:

(1) Consents to the transmission of the prescription electronically; and

(2) Approves the pharmacy where the prescription will be transmitted ~~[ ]~~; *and*

*(c) All requirements of 21 C.F.R. Part 1311 are satisfied.*

3. In addition to the requirements set forth in NRS 639.2353 and 639.2589, a prescription that is transmitted electronically to a pharmacy must include:

(a) The registration number from the Drug Enforcement Administration of the prescribing practitioner if the prescription is for a controlled substance;

(b) The telephone number of the practitioner;

(c) The time and date of the transmission; and

(d) The name of the pharmacy to which the prescription is sent.

4. A pharmacist who receives a prescription that is transmitted electronically shall:

(a) Print a copy of the prescription on paper that is of sufficient quality to last for at least 2 years; and

(b) Keep a copy of the prescription for at least 2 years after he receives the prescription.

5. A pharmacist shall not dispense a prescription that is transmitted electronically until he determines that the prescription complies with the requirements of state and federal law.

6. A prescription that is transmitted electronically and complies with the provisions of this section shall be deemed an original prescription.