


NEVADA STATE BOARD OF PHARMACY
OFFICE OF THE GENERAL COUNSEL

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MEMORANDUM

DATE: November 22, 2011
TO: Larry L. Pinson, Pharm. D. and the Nevada Board of Pharmacy
FROM: Carolyn J. Cramer 
SUBJECT: Electronic Prescribing Committee Meeting

The Electronic Prescribing Committee (Committee) met this morning. The participants of the meeting were Beth Foster, President of the Nevada State Board of Pharmacy, Kam Gandhi, Board Member Nevada Board of Pharmacy, Russell Smith Board Member Nevada Board of Pharmacy, Cheryl Blomstrom Board Member Nevada Board of Pharmacy, Dan Loose, Walgreens, Michelle Cope, NACDS, Liz MacMenamin, RAN, Joshua J. Hicks, Esq., General Counsel RAN, Kreshimir Rogina, Safeway and myself.

All participants were supportive of electronic prescribing of CII medications after a discussion of the issues as presented in the publically posted agenda. Further direction was given for Board Staff to begin crafting an amendment, to the recently amended NAC 639.7105, to include a field for the practitioners Nevada controlled substance registration number, a date field for the physical examination performed by the practitioner and a data field for indications of use. The Committee will also give further consideration to defining the method by which Board Staff could intervene and stop electronic prescriptions if there is suspected fraud or diversion. Board Staff was directed to have proposed language for consideration at the January 17 and 18, 2012 Board meeting in Las Vegas.



Nevada State Board of Pharmacy

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November 2, 2011

Honorable Brian Sandoval
Capitol Building
101 North Carson Street
Carson City, Nevada 89701

Dear Governor Sandoval,

Pursuant to your executive order establishing a freeze on proposed regulations, this letter serves as a request to move forward with the regulatory change outlined below involving the electronic prescribing of controlled substances in schedule II. We feel that the following proposal meets your criteria for being exempt from the freeze because it affects public health, has been mandated in Senate Bill No. 329 passed this last session by the Nevada Legislature, and would bring state law in line with federal law. The proposed regulatory change being asked to consider is:

Amendment of Nevada Administrative Code 639.7105

Effective June, 2010, the DEA passed an "interim final rule" allowing the electronic prescribing of controlled substances of schedules II through V. Current Nevada regulations allow for the same, with the exception of drugs in schedule II, hence this change. It should be noted that even though the DEA has passed their rule, it has yet to be implemented due to a certification process that has yet to be resolved. This process, when complete, will ensure that electronic prescribing is being accomplished by practitioners who are properly credentialed to do so, and involves a combination of identifiers similar to those used in the banking industry (i.e. an ATM card and a pin number to withdraw money).

The Board of Pharmacy is hopeful that the electronic prescribing of controlled substances will help in the fight against prescription drug abuse in Nevada by eliminating fraudulent paper prescriptions.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, which appears to read "Larry L. Pinson".

Larry L. Pinson, Pharm. D.
Executive Secretary