

**Nevada State Board of Pharmacy
Annual Returned
Drug Report
2009**

Introduction

Nevada State Board of Pharmacy Annual Return Drugs Report for the calendar year 2008.

Once a prescription medication leaves a pharmacy, the medication cannot be returned by the patient to the pharmacy for resale. NRS 639.282 makes it unlawful for a pharmacy or practitioner to accept for return, for the purpose of resale, a prescription once the medication has left the control of the pharmacy or practitioner. This statute ensures the safety of the public by preventing the introduction of potentially contaminated or otherwise compensated medication back into the market.

NRS 639.282 Unlawful possession or sale of certain pharmaceutical preparations, drugs or chemicals; destruction.

- 1) Except as otherwise provided in [NRS 433.801](#), [449.2485](#), [639.267](#) and [639.2675](#), it is unlawful for any person to have in his possession, or under his control, for the purpose of resale, or to sell or offer to sell or dispense or give away, any pharmaceutical preparation, drug or chemical which:
 - a) Has been dispensed pursuant to a prescription or chart order and has left the control of a registered pharmacist or practitioner;
 - b) Has been damaged or subjected to damage by heat, smoke, fire or water, or other cause which might reasonably render it unfit for human or animal use;
 - c) Has been obtained through bankruptcy or foreclosure proceedings, or other court action, auction or other legal or administrative proceedings, except when the pharmaceutical preparation, drug or chemical is in the original sealed container;
 - d) Is no longer safe or effective for use, as indicated by the expiration date appearing on its label; or
 - e) Has not been properly stored or refrigerated as required by its label.
- 2) This section includes language that provides an exception from subsection 1 if a person has possession a valid and acceptable certification of analysis attesting to the purity and strength of the pharmaceutical preparation, drug or chemical and attesting to the fact that it can be safely and effectively used by humans or animals.

There are exceptions to NRS 639.282. A public mental health facility, a facility for skilled nursing, a facility for intermediate care, and a correctional institution may all return unopened and unused medications in the original manufacturer's container to the pharmacy. NRS 433.801, NRS 449.2485 and NRS 639.2675 address these exceptions.

NRS 433.801 Sets the requirements that must be met for the return of a patient's unused prescription drugs to the dispensing pharmacy from a public or private mental health facility.

NRS 449.2485 Sets the requirements that must be met for the return of a patient's unused prescription drugs to the dispensing pharmacy from a skilled nursing facility or facility for intermediate care to the dispensing pharmacy.

NRS 639.2675 Sets the requirements that must be met for the return of a patient's unused prescription drugs to the dispensing pharmacy from a correctional institution.

Nevada Revised Statute 639.063 Requires the Board of Pharmacy to produce an annual report on the return or transfer of medications from various facilities to the dispensing pharmacy.

NRS 639.063 Annual report concerning drugs returned or transferred to pharmacies from certain facilities and institutions and reissued to fill other prescriptions.

- 1) The Board shall prepare an annual report concerning drugs that are returned or transferred to pharmacies pursuant to [NRS 433.801](#), [449.2485](#) and [639.2675](#) and are reissued to fill other prescriptions. The report must include, without limitation:
 - a) The number of drugs that are returned to dispensing pharmacies.
 - b) The number of drugs that are reissued to fill other prescriptions.
 - c) An estimate of the amount of money saved by reissuing such drugs to fill other prescriptions.
 - d) Any other information that the Board deems necessary.
- 2) The report must be:
 - a) Available for public inspection during regular business hours at the office of the Board; and
 - b) Posted on a website or other Internet site that is operated or administered by or on behalf of the Board.

Regulation of Exempt Facilities by the Board of Pharmacy

The Nevada State Board of Pharmacy licenses and regulates pharmacies within the state correctional facilities, pharmacies within public mental health facilities and pharmacies that dispense to exempt facilities. The Board does not license or regulate skilling nursing and facilities for intermediate care.

Cost Savings

The exceptions to NRS 639.282, providing for the return of unused medications for reissue, have the potential to result in substantial cost savings both for public correctional and mental health facilities and for private sector skilled nursing and intermediate care facilities and their patients. These facilities administer large quantities of medications and the medications are stored and administered under a controlled environment so the safe return for reissue of medication to another patient may make economic sense.

Safety of Returned Medications

Mental health facilities, facilities for skilling nursing, facilities for intermediate care, and directors of correctional institutions have policies and procedures that include, but are not limited to, storage, security, dispensing, administering, and documentation of medication usage. The facilities also have pharmacy consultants that review and are responsible to make sure that all policy and procedures related to medications are followed.

Mental health facilities, facilities for skilling nursing, facilities for intermediate care, and directors of correctional institutions are required by statute to adopt written procedures for the return of medications to a dispensing pharmacy as outlined in NRS 433.801 (public or private mental health facility), NRS 449.2485 (skilled nursing facility or facility for intermediate care) and NRS 639.2675 (correctional institution). The written procedures have to be approved by the Board of Pharmacy. These facilities are required to document and retain all records relating to the return of drugs.

The following data is the most accurate information available on the return of medications from and the reissuance of medications to exempted facilities.

Facility Type	Returned Units **	Units available for reissue*	Estimated Dollar Value of Reissued medications
Public Mental Health	Unavailable	-	\$429,806
Correctional	4660	1165	\$249,200
Skilled Nursing or Intermediate Care	42776	-	\$654,645

*Actual units that were reissued will vary based on expiration date of the medication, whether the medication had been reissued previously, and other factors, such as identified storage issues, that might prevent the reissue of a medication.

*Facilities, both public and private, may also return products under wholesaler or manufacturer guaranteed sale programs and thus may not be reissued.

** Public Mental Health facilities were unable to provide returned units data as only returned medication dollars were tracked.

Conclusion

Ensuring that medications are safe for use by the ultimate consumer is the most important responsibility of the Board of Pharmacy, the pharmacies that service exempt facilities and the exempt facilities themselves.

Although medications prescribed for patients in the exempt facilities are dispensed by the pharmacy under controlled conditions and are in a controlled environment within the facility, each time a medication is handled or changes facilities there is an increased chance of deterioration of medication due to improper storage, excess temperature range and other factors both environmental and the possibility of deliberate contamination.

If there is significant cost savings and no risk to the patient then the return of drugs makes economic sense. If there is any risk to the patient due to contamination or other deterioration of drugs, then the question is, is cost savings potential worth any increased patient risk?