

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

LCB File No. R144-18

July 16, 2018

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

AUTHORITY: §§1-4, NRS 639.070 and 639.23916.

A REGULATION relating to controlled substances; requiring a practitioner to take certain actions when obtaining informed written consent to and entering into a prescription medication agreement concerning a class of certain controlled substances; establishing a manner for obtaining an assessment of a patient's risk for abuse, dependency and addiction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a practitioner, other than a veterinarian, to obtain informed written consent from a patient before prescribing a controlled substance listed in schedule II, III or IV for the treatment of pain. (NRS 639.23911, 639.23912) Existing law also requires a practitioner, other than a veterinarian, who intends to prescribe a controlled substance listed in schedule II, III or IV for the treatment of pain to enter into a prescription medication agreement with the patient. (NRS 639.23914) **Sections 2 and 4** of this regulation impose certain requirements on a practitioner when obtaining informed written consent and entering into a prescription medication agreement, respectively, concerning the use of a class of controlled substances listed in schedule II, III and IV. **Sections 2 and 4** also require a practitioner who has obtained informed written consent to or entered into a prescription medication agreement concerning a class of controlled substances to take certain actions to ensure that the patient remains properly informed.

Existing law requires a practitioner, other than a veterinarian, to require a patient who has used a controlled substance listed in schedule II, III or IV for 90 consecutive days or more for the treatment of pain to complete an assessment of his or her risk for abuse, dependency and addiction before prescribing the controlled substance to continue the treatment. (NRS 639.23913) **Section 3** of this regulation: (1) authorizes such an assessment to be conducted in verbal or written form; and (2) requires such an assessment to include at least one question concerning depression.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *A practitioner who obtains informed written consent pursuant to NRS 639.23911 and 639.23912 to the use of a class of controlled substances listed in schedule II, III or IV, must, in addition to meeting the requirements for informed written consent set forth in NRS 639.23912:*

1. Explain the nature and terms of the written consent to the person from whom informed written consent is obtained and answer any questions from the person concerning the written consent; and

2. Before issuing a prescription for a controlled substance in the class for which informed written consent was provided, inform the person that the medication is in the class of controlled substances for which he or she provided informed consent.

Sec. 3. *An assessment of risk for abuse, dependency and addiction completed pursuant to NRS 639.23913:*

1. May be completed in verbal or written form; and

2. Must include, without limitation, at least one question concerning depression.

Sec. 4. Section 7 of LCB File No. R047-18 is hereby amended to read as follows:

1. A patient may enter into a prescription medication agreement in satisfaction of the requirements of ~~section 56 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4433 (NRS 639.23914),~~ **NRS 639.23914** with a group of practitioners, including, without

limitation, by entering into such an agreement with a member or other agent of the group who has the authority to enter into the agreement on behalf of the group.

2. If a practitioner or group of practitioners enters into a prescription medication agreement with a patient before the issuance to the patient of a prescription for which such an agreement is required by the provisions of ~~section 56 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4433 (NRS 639.23914),~~ **NRS 639.23914**, the prescribing practitioner must review the agreement immediately before issuing the prescription, including, without limitation, by using a database maintained by the practitioner or group of practitioners, and update the agreement if necessary.

3. *A practitioner who enters into a prescription medication agreement pursuant to NRS 639.23914 must:*

- (a) Answer any questions from the patient concerning the written consent; and***
- (b) Before issuing a prescription for a controlled substance in the class for which informed written consent was provided, inform the patient that the medication is in the class of controlled substances for which he or she provided informed consent.***