

# Proposed Regulation of the Nevada State Board of Pharmacy

Workshop October 13th, 2016

Explanation – Language in *blue italics* is new; language in *red text* [~~omitted material~~] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: §1, NRS 639.070

## A REGULATION relating to electronic transmission of a prescription; and providing other matters properly relating thereto.

**NAC 639.7102 Use of computer system for issuance and transmission of prescription.** (NRS 639.070, 639.0745)

1. A practitioner may:
  - (a) Issue a prescription using a computer system approved by the Board; and
  - (b) Transmit the prescription using that computer system to a pharmacy specified by the patient for whom the practitioner issues the prescription.
2. The Board will approve the computer system of a practitioner if the computer system:
  - (a) Requires a fingerprint scan, retinal scan, personal identification number or other unique identification of the practitioner *or his or her agent* to activate the computer system by which a prescription will be entered and to reactivate the computer system if the computer system has not been in use for 15 minutes or longer;
  - (b) Maintains a record of:
    - (1) Each prescription that the practitioner issues using the computer system; and
    - (2) Each pharmacy to which the practitioner submits the prescription;
  - (c) Is able to print a written prescription that complies with NRS 639.2353 and NAC 453.440; *and*
  - (d) *If it is printed from the computer system, the practitioner must sign the prescription; and*
  - (e) ~~Places on the face of the prescription, if it is printed from the computer system of the practitioner~~ *If the prescription is transmitted to the pharmacy the electronic prescription must contain a field* ~~or the pharmacy to which the practitioner transmits the prescription, or if it is displayed on the monitor of the computer of the pharmacy, a mark~~ that uniquely identifies the practitioner, ~~including, without limitation, the practitioner's signature or a security code which is known to or verifiable by the pharmacy; and~~
  - (e f) Requires the practitioner, before the computer system places the words "Dispense As Written" on the face of the prescription, to make a specific entry into the computer system for the prescription; and
  - (f g) Except as otherwise provided in subsection 3, transmits to the pharmacy specified by the patient the prescription and any other confidential information relating to the patient in a manner that ensures that the prescription or other confidential information may not be altered by a person other than the pharmacist.
3. The provisions of paragraph (f) of subsection 2 do not prohibit a practitioner from using a routing company to transmit a prescription pursuant to this section. A routing company:

(a) May, for the purpose of verifying an audit conducted of the routing company, store any prescription or other confidential information it receives or transmits pursuant to this subsection in a form that is secure and ensures the confidentiality of the information.

(b) May not add a provision to, delete a provision from or otherwise modify a prescription or any other confidential information that it receives or transmits pursuant to this subsection.

4. A pharmacy that receives a prescription from a practitioner using a computer system which is approved by the Board may fill that prescription if:

(a) The pharmacy prints a copy of the prescription and files the copy in the same manner in which the pharmacy files any other prescription maintained by it; or

(b) The computer system of the pharmacy:

(1) Maintains the prescription in a manner that ensures that the prescription is numbered consecutively in accordance with NAC 639.914;

(2) Is able to print a copy of the prescription; and

(3) Prohibits the modification of the prescription unless the computer system:

(I) Automatically prepares a notation within the records of the computer system indicating that the pharmacy has modified the prescription and automatically records the modification; and

(II) Requires the pharmacy to prepare a record indicating the identity of the person who modified the prescription.

5. If a pharmacy fills a prescription pursuant to paragraph (b) of subsection 4, a pharmacist employed by the pharmacy shall, each day:

(a) Store the prescription or cause the prescription to be stored on a tape, disc or other device that is used for the storage of information by a computer; and

(b) Store the tape, disc or device:

(1) At a location other than the pharmacy; or

(2) In any other manner that:

(I) Protects the tape, disc or device from loss or damage; and

(II) Ensures that any confidential information included in the tape, disc or device remains confidential.

6. If a practitioner prints a prescription using a computer system that is approved pursuant to this section, the practitioner shall:

(a) Except as otherwise provided in paragraph (b), manually sign the printed prescription; or

(b) If the prescription includes a mark that uniquely identifies the practitioner in accordance with paragraph (d) of subsection 2, print the prescription on security paper.

7. A practitioner may transmit a prescription or any other confidential information relating to a patient to an insurer or any entity other than a pharmacy pursuant to this section if, before transmitting the prescription or confidential information:

(a) The practitioner submits a written notice to the patient:

(1) Identifying the insurer or entity; and

(2) Indicating that the practitioner intends to transmit the prescription or confidential information to the insurer or entity; and

(b) The patient consents in writing to the transmission of the prescription or confidential information to:

(1) The insurer or entity; and

(2) The pharmacy specified by the patient pursuant to this section.

8. The provisions of this section do not prohibit a computer system that is approved pursuant to this section from being used to transmit:

(a) The ICD code set forth in the most recent revision of the *International Classification of Diseases*; or