



# Nevada State Board of Pharmacy

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August 4, 2017

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

Dear Governor Sandoval,

Pursuant to the Memorandum from your office dated December 21, 2011, this letter serves as notification of proposed regulatory action by the Board of Pharmacy to be heard at the Board's September 7, 2017, meeting in Reno, Nevada.

**Description of the Amendments Set for Workshop:**

1. Revision of NAC 639.7105; Provides for the consignment of dangerous drugs to veterinarians to allow a veterinarian to take legal ownership, but not physical possession, of dangerous drugs from a wholesaler to then consign to a pharmacy for dispensing to an animal on behalf of the veterinarian.
2. Revision of NAC 639.0055; Defines "consignment".

Respectfully,

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

Larry L. Pinson, Pharm. D.  
Executive Secretary

# Proposed Regulation of the Nevada State Board of Pharmacy

Workshop September 7, 2017

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 dispensing of dangerous drugs by veterinarians; and providing other matters properly relating thereto.**

*NAC 639.0055 “Consignment” defined. “Consignment” means a transaction whereby a veterinarian purchases and takes legal ownership but not physical possession of a dangerous drug from a wholesaler, prescribes the drug to a patient, and consigns to a pharmacy the dispensing of the drug to the patient.*

**NAC 639.7105 Electronic transmission of prescription.** (NRS 639.070, 639.0745) Except as otherwise provided in NAC 639.711 or NAC 639.7127:

1. A prescription for a dangerous drug or a controlled substance listed in schedule II, 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) The practitioner is the only person who will have access to the prescription until it is received by the pharmacy;
  - (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 telephone number of the prescribing practitioner;
  - (b) The time and date of the transmission; and
  - (c) The name of the pharmacy to which the prescription is sent.
4. In addition to the requirements set forth in subsection 3 and NRS 639.2353 and 639.2589, a prescription for a controlled substance that is transmitted electronically to a pharmacy must include:
  - (a) The registration number from the Drug Enforcement Administration of the prescribing practitioner; and
  - (b) If the technological capability exists to require such information to be transmitted electronically:
    - (1) The Nevada controlled substance registration number of the prescribing practitioner;
    - (2) The indication for use or the diagnosis code; and
    - (3) The date of the last physical examination of the patient.

5. A pharmacist who receives a prescription that is transmitted electronically shall keep a paper or electronic copy of the prescription for at least 2 years after the pharmacist receives the prescription. The copy of the prescription that is kept must be readily accessible to:

(a) Personnel of the pharmacy who are authorized to access records of prescriptions kept by the pharmacy; and

(b) Members, employees, agents and designees of the Board.

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

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

8. The Board may suspend the privilege of a practitioner to transmit prescriptions electronically if the Board reasonably suspects that the practitioner has transmitted a prescription electronically that is:

(a) Unlawful;

(b) Fraudulent; or

(c) Not for a legitimate medical purpose.

*NAC 639.7127. Dispensing of dangerous drugs by veterinarians; consignment. A veterinarian may dispense prescription drugs by consignment subject to the following conditions:*

1. *The veterinarian must be registered pursuant to NAC 639.742;*

2. *The wholesaler must be licensed pursuant to NRS 639.233;*

3. *The dispensing pharmacy must be licensed pursuant to NRS 639.230;*

4. *The veterinarian shall notify the patient that the drug has been purchased by the veterinarian and consigned to the pharmacy for dispensing;*

5. *The veterinarian shall be responsible for ensuring the pharmacy's compliance with all applicable provisions of NRS chapter 639 and NAC chapter 639.*

6. *The veterinarian shall be responsible for complying with all applicable provisions of NRS chapter 639 and NAC chapter 639 requiring the maintenance of all records at the veterinary facility.*

7. *The veterinarian shall be responsible complying with all applicable provisions of NRS chapter 639 and NAC chapter 639 for counseling the patient.*

8. *The drug cannot be a controlled substance.*

9. *The drug shall not be dispensed for human consumption.*

*NAC 639.7129. Dispensing by consignment; renumeration. The remittance of payment to a veterinarian by a pharmacy when dispensing a drug under consignment shall not be considered unearned compensation for purposes of NRS 639.264.*

**NAC 639.742 Dispensing of controlled substances or dangerous drugs: Application by practitioner for certificate of registration; application by facility required under certain circumstances; duties of dispensing practitioner and facility relating to drugs; authority of dispensing practitioner and technician. (NRS 639.070, 639.0727)**

1. A practitioner who wishes to dispense controlled substances or dangerous drugs must apply to the Board on an application provided by the Board for a certificate of registration to dispense controlled substances or dangerous drugs. A practitioner must submit a separate application for

each site of practice, including, without limitation, a telepharmacy, remote site or satellite consultation site, from which the practitioner wishes to dispense controlled substances or dangerous drugs. A certificate of registration to dispense controlled substances or dangerous drugs is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. If a facility from which the practitioner intends to dispense dangerous drugs or controlled substances is not wholly owned and operated by the practitioner, the owner or owners of the facility must also submit an application to the Board on a form provided by the Board.

3. Except as otherwise provided in [NRS 639.23277](#), *and* [NAC 639.395](#) *and* [NAC 639.7127](#), the dispensing practitioner and, if applicable, the owner or owners of the facility, shall ensure that:

- (a) All drugs are ordered by the dispensing practitioner;
- (b) All drugs are received and accounted for by the dispensing practitioner;
- (c) All drugs are stored in a secure, locked room or cabinet to which the dispensing practitioner has the only key or lock combination;
- (d) All drugs are dispensed in accordance with [NAC 639.745](#);
- (e) No prescription is dispensed to a patient unless the dispensing practitioner is on-site at the facility;
- (f) All drugs are dispensed only to the patient personally at the facility;
- (g) The price of each drug dispensed to a patient is separately itemized on any bill or statement provided to the patient;
- (h) All drugs are dispensed only for medically necessary purposes and according to prevailing standards of care for practitioners practicing in the specialty claimed or practiced by the dispensing practitioner; and
- (i) The certificate for each dispensing technician employed at the facility is displayed in the room or cabinet in which drugs are stored.

4. With regard to the filling and dispensing of a prescription at a facility, only the dispensing practitioner or a dispensing technician may:

- (a) Enter the room or cabinet in which drugs are stored;
- (b) Remove drugs from stock;
- (c) Count, pour or reconstitute drugs;
- (d) Place drugs into containers;
- (e) Produce and affix appropriate labels to containers that contain or will contain drugs;
- (f) Fill containers for later use in dispensing drugs; or
- (g) Package or repackage drugs.

5. A dispensing practitioner may compound drug products if he or she complies with the provisions of [NAC 639.661](#) to [639.690](#), inclusive, as if:

- (a) He or she were a pharmacist;
- (b) His or her practice site was a pharmacy; and
- (c) Any dispensing technician involved in the compounding was a pharmaceutical technician.

# CONSIGNMENT DISPENSING MODEL

RETAIL ROUTE [Rx to Pharmacy]

