



Nevada State Board of Pharmacy

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February 15, 2017

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

Dear Governor Sandoval,

Pursuant to the Memorandum from General Counsel Lucas Foletta 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 March 1, 2017, meeting to be held in Reno, Nevada.

Description of the Amendment Set for Workshop:

NAC 453.460: Partial filling of a prescription

- This regulation currently allows the partial filling of a CII medication only in an emergency situation as was dictated by the DEA in Federal law. That Federal law was recently changed by the DEA as part of their effort in the fight against prescription drug abuse by hopefully decreasing the amount of opiates dispensed. The proposed amendment would make state law consistent with federal law by allowing a pharmacist, at the patient's request, to dispense a quantity less than the total prescribed of a CII medication and allow the patient to then receive the remaining quantity at a later date if needed and requested. The desired outcome of the change is to reduce the amount of opiates in medicine cabinets throughout the state, that often end up diverted and abused.

Respectfully,

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

Larry L. Pinson, Pharm. D.
Executive Secretary

cc: Elyse C. Monroy, Policy Analyst, Health and Human Services

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop - March 1, 2017

NAC 453.460 Partial filling of prescription.

~~1. A pharmacist may partially fill a prescription for a controlled substance listed in schedule II:~~

~~—(a) If the pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription and he or she makes a notation of the quantity supplied on the face of the written prescription or written record of the emergency oral prescription. The remaining portion of the prescription may be filled within 72 hours after the first partial filling. If the remaining portion is not or cannot be filled within the 72-hour period, the pharmacist shall notify the prescribing practitioner. No further quantity may be supplied beyond the 72-hour period without a new prescription.~~

~~—(b) For a patient in a facility for long term care or for a patient who has been diagnosed as having a terminal illness. The pharmacist shall record on the prescription that the patient is a “LTC patient” or “terminally ill.” The date of the partial filling, the quantity of the medication that is dispensed, the remaining quantity which is authorized to be dispensed, and the signature or initials of the pharmacist must be recorded on the back of the prescription. The total quantity of the controlled substance that is dispensed in all partial fillings must not exceed the total quantity of the controlled substance that is prescribed. A prescription is valid for 60 days after the date of the prescription unless the prescription is terminated earlier by the discontinuance of medication.~~

2. A pharmacist may partially fill a prescription for a controlled substance listed in schedule II, III, IV or V. A partial filling pursuant to this subsection does not constitute a full refill for the purposes of subsection 3 of NRS 453.256. A full refill of a prescription does not occur until the total quantity dispensed in all partial fillings equals the total quantity prescribed. Whenever a patient requests a partial filling, the pharmacist shall:

(a) Create and maintain a record of each partial refill that reflects the total quantity dispensed for any particular prescription;

(b) Ensure that the total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and

(c) Refuse to fill or partially fill any prescription more than 6 months after the date on which the prescription was issued.

2. Where a pharmacist partially fills a prescription for a controlled substance listed in schedule II pursuant to subsection 1 above, the remaining portion of the partially filled prescription may be filled not later than 30 days after the date on which the prescription was written.

~~—3. As used in this section, “facility for long term care” means a medical facility that provides 24-hour nursing services.~~