

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

LCB File No. R007-17

November 3, 2017

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

AUTHORITY: §1, NRS 453.221 and 639.070.

A REGULATION relating to controlled substances; revising provisions relating to the partial filling of certain controlled substances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations relating to the registration and control of the dispensing of controlled substances within this State. (NRS 453.221) Existing regulations authorize a pharmacist to partially fill a prescription for a controlled substance listed in schedule II, III, IV or V. (NAC 453.460) This regulation revises the circumstances in which a pharmacist is authorized to partially fill a prescription for a controlled substance listed in schedule II. This regulation: (1) generally requires that the remaining portion of a prescription for a controlled substance listed in schedule II that has been partially filled must be filled not later than 30 days after the date on which the prescription was written; (2) provides that in an emergency situation, the remaining portion of such a prescription must be filled not later than 72 hours after the prescription was issued; and (3) requires a pharmacist to refuse to fill or partially fill any prescription for a controlled substance listed in schedule II more than 30 days after the date on which the prescription was written.

Section 1. NAC 453.460 is hereby amended to read as follows:

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

(a) If the ~~{pharmacist}~~ *partial filling* 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}~~ *requested by a patient or the prescribing practitioner and the total quantity of the controlled substance that is dispensed in all partial fillings does not exceed the total quantity of the controlled substance that is prescribed. Except as otherwise provided in this paragraph, the remaining portion of the prescription {may} must be filled {within} not later than 30 days after the date on which the prescription was written. In an emergency situation as set forth in 21 U.S.C. § 829(a), the remaining portion of the prescription must be filled not later than 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 ~~{.}~~ *was issued.*

(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 III, IV or V. A partial filling *of a prescription* 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~~ *that is partially filled pursuant to this subsection is not completely filled* until the total quantity dispensed in all partial fillings equals the total quantity prescribed.

3. Whenever a patient requests a partial filling, ~~the~~ a pharmacist shall:

(a) Create and maintain a record of each partial ~~refill~~ *filling* 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 *for a controlled substance listed in:*

(1) Schedule II more than 30 days after the date on which the prescription was written;

and

(2) Schedule III, IV or V more than 6 months after the date on which the prescription was issued.

~~3-~~ 4. As used in this section, “facility for long-term care” means a medical facility that provides 24-hour nursing services.