



NEVADA STATE BOARD OF PHARMACY

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Electronic Prescribing Mandate for Controlled Substances

FREQUENTLY ASKED QUESTIONS

WHEN DID THE LAW TAKE EFFECT?

NRS 639.23535 became effective on January 1, 2021.

WHAT DOES THE LAW REQUIRE?

NRS 639.23535 requires that all controlled substance prescriptions **MUST** be given to a pharmacy by electronic prescribing (“e-prescribing”).

DOES THE LAW APPLY TO PRESCRIPTIONS ISSUED BY VETERINARIANS?

No. NRS 639.23535(1)(a) provides an exception to the e-prescribing mandate for a controlled substance prescription issued by a veterinarian.

WHAT IF THE E-PRESCRIBING SYSTEM GOES DOWN?

NRS 639.23535(1)(b)(1) makes an exception to the e-prescribing mandate in the event of an electronic or technological failure.

WHAT IF THERE IS A MEDICAL EMERGENCY?

NRS 639.23535(1)(i) makes an exception to the electronic prescribing mandate if a practitioner determines that the patient is unable to obtain the drug in a timely manner and delay will adversely affect the patient’s medical condition.

CAN A PRACTITIONER CLAIM AN EXEMPTION FROM THE MANDATE?

Yes. NRS 639.23535(2) permits a practitioner to claim an exemption from the e-prescribing mandate for 1 year, until December 31, 2021, based upon “economic hardship, technological limitations beyond the control of the practitioner or other exceptional circumstances.”

HOW DOES A PRACTITIONER CLAIM AN EXEMPTION?

In order to claim an exemption, practitioners must complete a form provided by the Board certifying that they meet the statutory criteria for an exemption. The form can be found at [LINK](#).

IS THE EXEMPTION CERTIFICATION FORM FILED WITH THE BOARD?

No. The form **SHOULD NOT** be sent to the Board. The form should be maintained by the practitioner to document the exemption and made available to the Board if requested.

ARE PHARMACISTS REQUIRED TO VERIFY THAT A PRESCRIPTION NOT SUBMITTED BY E-PRESCRIBING MEETS ONE OF THE EXCEPTIONS?

No. NRS 639.23535(4)(a) states that pharmacists are **NOT** required to verify that a controlled substance prescription submitted by a method other than e-prescribing meets one of the exceptions.

MAY PHARMACISTS REQUIRE A PRACTITIONER TO VERIFY THAT A PRESCRIPTION NOT SUBMITTED BY E-PRESCRIBING MEETS ONE OF THE EXCEPTIONS?

No. NRS 639.23535(4)(b) states that pharmacists may **NOT** require a practitioner to verify that a controlled substance prescription submitted by a method other than e-prescribing meets one of the exceptions or that the practitioner is exempt from the e-prescribing mandate.

MAY PHARMACISTS FILL PRESCRIPTIONS ISSUED BEFORE JANUARY 1, 2021 USING A METHOD OTHER THAN E-PRESCRIBING?

Yes. Valid prescriptions issued before January 1, 2021 are still valid.

ARE NON-E-PRESCRIBED PRESCRIPTIONS ISSUED BY AN OUT-OF-STATE PRACTITIONER TO A PATIENT IN NEVADA VALID?

Yes. *See* NRS 639.235.

ARE NON-E-PRESCRIBED PRESCRIPTIONS ISSUED BY A NEVADA PRACTITIONER TO A NEVADA PATIENT TO BE FILLED OUTSIDE NEVADA VALID?

It depends on the laws of the out-of-state pharmacy. NRS 639.23535(1)(b)(2) provides an exception to the e-prescribing mandate for controlled substance prescriptions if the drug will be dispensed at a pharmacy located out-of-state.

ARE PRESCRIPTIONS ISSUED BY A PRACTITIONER AT AN IHS, VA, MILITARY FACILITY, OR OTHER FEDERAL FACILITY TO A NEVADA PATIENT USING A METHOD OTHER THAN E-PRESCRIBING VALID?

Yes. These federal facilities fall under one or more of the exceptions set forth in NRS 639.23535(1)(b)(1), (1)(c), (1)(e), and/or (1)(i).

ARE PRESCRIPTIONS TRANSMITTED TO A NON-FEDERAL PHARMACY BY A PRACTITIONER AT AN IHS, VA, MILITARY FACILITY, OR OTHER FEDERAL FACILITY TO A NEVADA PATIENT, USING A METHOD OTHER THAN E-PRESCRIBING VALID?

Yes. These federal facilities fall under one or more of the exceptions set forth in NRS 639.23535(1)(b)(1), (1)(c), (1)(e), and/or (1)(i), and may be filled by a non-federal pharmacy.

ARE ORAL PRESCRIPTIONS FOR SCHEDULE II-CONTROLLED SUBSTANCES IN AN EMERGENCY STILL VALID?

Yes. NRS 453.256(2)(a) still permits a schedule II-controlled substance to be dispensed in an emergency upon oral prescription of a practitioner, subject to the requirements set forth in NAC 453.420.

ARE NON-E-PRESCRIBED PRESCRIPTIONS ISSUED TO A PHARMACY FOR A PATIENT IN A FACILITY FOR LONG-TERM CARE OR HOSPICE CARE VALID?

Yes. NRS 639.23535(1)(c) provides an exception for a controlled substance prescription issued by practitioner who will also dispense the drug. Additionally, NAC 639.711 still permits the facsimile transmission of a schedule II-controlled substance prescription for a patient in a long-term care facility, or a patient in hospice care with a notation on the prescription stating that the patient is receiving hospice care. However, if the patient is ever discharged and a prescription is issued for the patient to take at home, then the e-prescribing mandate for controlled substances may apply, unless another exception exists.