

**APPROVED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R059-23

Filed February 27, 2024

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

AUTHORITY: §§ 1-6, NRS 453.221, 639.070 and section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367; § 7, NRS 639.070.

A REGULATION relating to pharmacy; requiring a pharmacist to register with the State Board of Pharmacy and perform certain assessments before prescribing and dispensing drugs for medication-assisted treatment of opioid use disorder; requiring a pharmacist to prescribe and dispense drugs for medication-assisted treatment of opioid use disorder as part of a documented treatment plan; requiring the documentation and periodic reviews of such treatment; authorizing a pharmacist to assess a patient and prescribe a drug for certain medication-assisted treatment if the pharmacist is practicing at a location other than a licensed pharmacy; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Assembly Bill No. 156 of the 2023 Legislative Session requires the State Board of Pharmacy to adopt regulations establishing requirements for a pharmacist to: (1) assess a patient to determine whether the patient has an opioid use disorder and if medication-assisted treatment would be appropriate for the patient; and (2) prescribe and dispense a drug for medication-assisted treatment. (Section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367)

Section 2 of this regulation requires a pharmacist who wishes to engage in such activity to: (1) register with the Board to dispense certain controlled substances; (2) register with the Board to engage in such activity; and (3) comply with applicable laws and regulations governing the prescribing or dispensing of controlled substances and dangerous drugs.

Section 3 of this regulation requires a pharmacist to: (1) assess a patient to determine whether the patient has an opioid use disorder and if medication-assisted treatment would be appropriate before counseling the patient on treatment for opioid use disorders and prescribing and dispensing a drug for medication-assisted treatment; and (2) document such an assessment.

Section 4 of this regulation requires a pharmacist who offers medication-assisted treatment for opioid use disorder to establish a documented treatment plan tailored to the needs of the patient and sets forth certain minimum requirements for such a plan. **Section 4** requires a pharmacist to provide any such treatment in accordance with the documented treatment plan.

Section 5 of this regulation requires a pharmacist who is providing medication-assisted treatment to a person with an opioid use disorder to conduct periodic reviews of such treatment and sets forth certain minimum requirements for such reviews.

Section 6 of this regulation requires a pharmacist who is providing medication-assisted treatment to a person with an opioid use disorder to maintain records of the treatment and make such records available for review by the Board.

Existing regulations authorize a pharmacist to engage in certain aspects of the practice of pharmacy if the pharmacist is practicing at a location other than a licensed pharmacy, but prohibits a pharmacist from dispensing or administering drugs in such a situation. (NAC 639.408) **Section 7** of this regulation additionally authorizes a pharmacist practicing at such a location to assess a patient for medication-assisted treatment of an opioid use disorder and prescribe a drug for such treatment. **Section 7** prohibits such a pharmacist from dispensing a drug for medication-assisted treatment of an opioid use disorder.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. 1. *A pharmacist who wishes to engage in the activity authorized by section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, must:*

(a) Register with the Board to dispense controlled substances in the manner prescribed by NAC 453.100 to 453.300, inclusive; and

(b) Register with the Board to engage in the activity authorized by section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367.

2. A pharmacist registered with the Board pursuant to this section shall comply with the requirements of chapters 453, 454 and 639 of NRS, and any regulations adopted pursuant thereto, that apply when a practitioner is prescribing or dispensing controlled substances or dangerous drugs within the scope of practice of the practitioner.

Sec. 3. *Before offering medication-assisted treatment to a patient pursuant to paragraphs (b) and (c) of subsection 1 of section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, a pharmacist must:*

1. Assess the patient pursuant to paragraph (a) of subsection 1 of section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367; and

2. Document the assessment in the record of the patient.

Sec. 4. *1. A pharmacist who offers medication-assisted treatment to a patient pursuant to section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, shall establish a documented treatment plan tailored to the needs of the patient. The documented treatment plan must include, without limitation:*

(a) A procedure for evaluating the progress or success of the treatment with stated objectives, including, without limitation, improved physical or psychosocial function; and

(b) Consideration of pertinent medical history, previous medical records and physical examinations and the need for further testing, consultations, referrals or the use of other treatment modalities.

2. A pharmacist may only provide medication-assisted treatment pursuant to section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, in accordance with a documented treatment plan established pursuant to subsection 1.

Sec. 5. *A pharmacist providing medication-assisted treatment to a patient pursuant to section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, shall document and conduct periodic reviews of the care of the patient. The periodic reviews must be conducted at reasonable intervals in consideration of the individual circumstances of the patient and include, without limitation:*

1. Consideration of the individual circumstances of the patient;

2. Any progress in reaching the objectives of the treatment; and

3. Consideration of the treatment prescribed, ordered or administered, as well as any new information about the etiology of the opioid use disorder of the patient.

Sec. 6. A pharmacist shall:

1. Maintain complete and accurate records of the medication-assisted treatment provided to a patient pursuant to section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, including, without limitation, any records required pursuant to chapter 639 of NRS and the regulations adopted pursuant thereto.

2. Make all records maintained pursuant to subsection 1 available for review upon request of the Board. The Board will conduct any review of such records in accordance with the laws relating to the confidentiality of medical records.

Sec. 7. NAC 639.408 is hereby amended to read as follows:

639.408 1. While engaging in the practice of pharmacy at a location other than the site of a licensed pharmacy pursuant to the provisions of NAC 639.403 or 639.407, a registered pharmacist may perform only:

(a) The functions described in paragraphs (b), (c), (d), ~~(e)~~ (g) to (j), inclusive, *and (l)* of subsection 1 of NRS 639.0124, *as amended by section 12.6 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367*, except for dispensing or administering drugs;

(b) The functions described in NAC 639.773, except for dispensing a self-administered hormonal contraceptive; and

(c) The administration of immunizations pursuant to a written protocol established in accordance with NAC 639.297 to 639.2978, inclusive.

2. A registered pharmacist who engages in the practice of pharmacy at a location other than the site of a licensed pharmacy pursuant to the provisions of NAC 639.403 or 639.407 shall:

(a) Provide written notice of the site of practice to the Executive Secretary in accordance with NAC 639.225;

(b) Ensure that the records of the registered pharmacist are made readily accessible to members of the Board and employees, agents and designees of the Board; and

(c) Comply with all applicable federal and state laws and regulations, including, without limitation:

(1) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, and any other applicable federal or state law concerning the privacy of information regarding health care; and

(2) Requirements relating to the maintenance of records.

3. A registered pharmacist who engages in the practice of pharmacy at a location other than the site of a licensed pharmacy pursuant to the provisions of NAC 639.403 or 639.407 shall not maintain an inventory of drugs at that location.

4. A registered pharmacist shall not engage in the practice of pharmacy at a location other than the site of a licensed pharmacy pursuant to the provisions of NAC 639.403 or 639.407 if he or she:

(a) Serves as a managing pharmacist; or

(b) Provides pharmaceutical services at:

(1) A facility for modified medical detoxification, as defined in NRS 449.00385;

(2) An independent center for emergency medical care, as defined in NRS 449.013;

(3) A facility for intermediate care, as defined in NRS 449.0038;

(4) A facility for skilled nursing, as defined in NRS 449.0039; or

(5) A surgical center for ambulatory patients, as defined in NRS 449.019.

