

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

LCB FILE NO. R085-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 04/24/2024**

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

Workshop – April 18, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material 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, 639.266

A REGULATION relating to pharmacy; clarifying record keeping requirements of counseling by a pharmacy; and providing other matters properly relating thereto.

NAC 639.708 of NAC is hereby amended to read as follows:

NAC 639.708 **Counseling of patients: Duties of pharmacy.** (NRS 639.070, 639.266) To facilitate counseling regarding a prescription, a pharmacy shall:

1. Maintain a record of medication for each patient to whom a prescription has been dispensed by that pharmacy. The record must:
 - (a) Be retrievable for use by the pharmacist;
 - (b) Be maintained for at least 2 years after the most recent entry;
 - (c) List all prescriptions dispensed to the patient at that pharmacy; and
 - (d) Include all data required to be placed on the prescription.
2. Make a reasonable effort to obtain and retain in the record of medication the:
 - (a) Telephone number or numbers, if any, of the patient;
 - (b) Gender of the patient;
 - (c) Age or date of birth of the patient;
 - (d) History of the patient, including allergies, reactions to particular drugs and any medications or medical devices used by the patient; and
 - (e) Any comments relevant to the drug therapy of the patient, including any other information which is specific to the patient or drug.
3. Ensure that a pharmacist is available by telephone during business hours and, if the pharmacy routinely delivers prescriptions outside of the trade area covered by local telephone service, provide a toll-free telephone number.

4. Include with each prescription container delivered or distributed by a public carrier:
 - (a) The local, and if applicable toll-free, telephone numbers of the pharmacy;
 - (b) The hours during which the patient may contact the pharmacy by telephone; and
 - (c) A written notice in substantially the following form:

Written information about this prescription has been provided for you. Please read this information before you take this medication. If you have questions concerning this prescription, a pharmacist is available between the hours of and to answer your questions.

5. Maintain the confidentiality of each patient's records, including prescriptions, pursuant to NRS 639.238. A pharmacist shall not divulge the contents of a patient's records, except as authorized by NRS 639.238.
6. Make available to a practitioner, upon request, all information relating to a prescription that is provided to a patient of that practitioner by the pharmacist or an intern pharmacist.
7. Ensure that counseling is conducted in a confidential manner to prevent disclosure of information to any person other than the patient or the person caring for the patient.
8. *Maintain a readily retrievable record of patient counseling for each prescription that is required of a pharmacist or intern pharmacist pursuant to NAC 639.707. In addition to the record requirements pursuant to NAC 639.707 subsection 6, the record must also include:*
 - (a) The date and time the prescription was dispensed;*
 - (b) The prescription number;*
 - (c) The date counseling was provided to or refused by a patient or the person caring for the patient; and*
 - (d) Whether counseling was given or whether counseling was affirmatively refused by the patient for all new prescriptions or prescriptions that require counseling.*
9. *A pharmacy must keep accurate records of patient counseling.*
10. *A pharmacy has a duty to staff a pharmacy in a manner that allows for adequate counseling of patients.*