

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

LCB FILE NO. R189-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 07/19/2024**

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BOARD OF PHARMACY**

Workshop – July 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

A REGULATION relating to pharmacy; revising requirements concerning the documentation an employee of a pharmacy must obtain from a person before dispensing a controlled substance pursuant to a lawful prescription to the person; and providing other matters properly relating thereto.

NAC 639.748 is hereby amended as follows:

1. Except as otherwise provided in this section, an employee of a pharmacy who is authorized to dispense controlled substances shall, before dispensing a controlled substance pursuant to a lawful prescription, request the person who picks up the controlled substance to present a current and valid form of identification issued by a federal, state or local governmental agency that contains a photograph of the person. The employee shall not dispense the controlled substance if:

(a) That person does not present such identification; or

(b) The employee reasonably believes that the identification presented has been altered or is false or otherwise invalid.

2. The provisions of subsection 1 do not apply if:

(a) The prescription is for a patient who has had a prescription previously filled by the pharmacy;

(b) The prescription is for a patient who is an inpatient at a health care facility, facility for long-term care or facility for hospice care where he or she is being treated;

(c) The person who picks up the controlled substance is personally known to an employee of the pharmacy; ~~or~~

(d) The employee is dispensing the controlled substance by mail and has obtained or verified the identification of the patient through the prescription benefit plan of the patient; *or*

(e) The prescription is prescribed to the patient for the treatment of an opioid use disorder and the patient does not have a valid form of identification. In such instance, any identification with patient's first and last name and picture may be accepted.

3. If the provisions of subsection 1 *or subsection 2(e)* apply, the employee dispensing the controlled substance shall:

(a) Make a copy of the identification presented to the employee; or

(b) Record the full name of the person who picks up the controlled substance, the identification number, if any, indicated on his or her identification presented to the employee and the federal, state or local governmental agency that issued the identification, *as applicable*. The employee shall record that information on:

(1) The prescription;

(2) The refill log;

(3) The counseling log;

(4) A computer record related to the patient; or

(5) A document that is readily retrievable and accessible for inspection by law enforcement or any member, employee, agent or designee of the Board.

4. If a copy of the identification is made pursuant to paragraph (a) of subsection 3, it must be filed with the copy of the prescription that is maintained by the pharmacy.

5. As used in this section:

(a) "Facility for hospice care" has the meaning ascribed to it in NRS 449.0033.

(b) "Facility for long-term care" means:

(1) A residential facility for groups as defined in NRS 449.017; and

(2) A facility for skilled nursing as defined in NRS 449.0039.

(c) "Health care facility" has the meaning ascribed to it in NRS 449.2414.

(d) "Valid form of identification" does not include:

(1) A driver authorization card obtained in accordance with NRS 483.291; or

(2) A driver authorization card, driving privilege card or other similar card issued by another jurisdiction.