

**PROPOSED REGULATION OF
THE STATE BOARD OF PHARMACY
LCB File No. R021-97**

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AUTHORITY: §§1-6, NRS 639.070 and 639.1373.

Section 1. NAC 639.270 is hereby amended to read as follows:

639.270 *The provisions of* NAC 639.270 to 639.295, inclusive:

1. Regulate the issuance of registration certificates to physicians' assistants;
2. Control [~~their~~] *the prescribing and* dispensing of controlled substances, [~~and prescribing and dispensing of~~] poisons, dangerous drugs and devices [;] *by physicians' assistants;*
3. Set registration fees; and
4. Establish grounds for the suspension or revocation of registration certificates of physicians' assistants.

Sec. 2. NAC 639.272 is hereby amended to read as follows:

639.272 1. The application of a physician's assistant for:

- (a) A registration certificate to prescribe *controlled substances, poisons, dangerous drugs and devices or to prescribe* poisons, dangerous drugs and devices; or

(b) A registration certificate to *prescribe and* dispense controlled substances , [**and to prescribe and dispense**] poisons, dangerous drugs and devices [,] *or to prescribe and dispense poisons, dangerous drugs and devices,* must be in writing and filed with the secretary of the board.

2. Each application for a registration certificate to prescribe *controlled substances, poisons, dangerous drugs and devices or to prescribe* poisons, dangerous drugs and devices must include:

(a) The name, address, social security number and telephone number of the applicant;

(b) A copy of the registration certificate issued by the board of medical examiners or the state board of osteopathic medicine *that authorizes the applicant* to prescribe *controlled substances, poisons, dangerous drugs and devices or to prescribe* poisons, dangerous drugs and devices;

(c) [**A copy of the list of poisons, dangerous drugs and devices which the applicant is authorized to prescribe;**

(d)] The name, address and telephone number of the applicant's supervising physician;

[(e) A copy of the applicant's proposed form for prescriptions; and

(f)] ; and

(d) Any other information requested by the board.

3. Each application for a registration certificate to *prescribe and* dispense controlled substances [**and**] , *poisons, dangerous drugs and devices or* to prescribe and dispense poisons, dangerous drugs and devices must include:

(a) The name, address, social security number and telephone number of the applicant;

(b) A copy of the registration certificate issued by the board of medical examiners or the state board of osteopathic medicine *that authorizes the applicant to prescribe and dispense controlled substances [and] , poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices;*

(c) [A copy of the list of controlled substances which the applicant is authorized to dispense;

(d) A copy of the list of poisons, dangerous drugs and devices which the applicant is authorized to prescribe and dispense;

(e)] The name, address and telephone number of the applicant's supervising physician;

[(f) A copy of the applicant's proposed form for prescriptions; and

(g)] ; *and*

(d) Any other information requested by the board.

4. Each physician's assistant who applies for a registration certificate pursuant to subsection 3 must:

(a) Personally appear [with his supervising physician] before the board for determination and assignment of the specific authority to be granted to the physician's assistant if the physician's assistant:

(1) [Will be operating in a practice not previously licensed by the board;

(2)] Responded affirmatively to any of the questions on the application regarding his character or competency; or

[(3)] (2) Is requested to do so by the board;

(b) Submit a statement, signed by the applicant and a pharmacist who is registered with the board, indicating that the pharmacist is available to the applicant as a consultant concerning the dispensing of controlled substances, poisons, dangerous drugs and devices; and

(c) Pass an examination administered by the board on the law relating to pharmacy.

5. Each physician's assistant who is employed by more than one supervising physician must submit an application for a certificate of registration for each supervising physician by whom he is employed. A fee is not required for any additional certificate issued pursuant to subsection 2.

6. Each physician's assistant to whom a registration certificate is issued must be registered to a supervising physician.

Sec. 3. NAC 639.275 is hereby amended to read as follows:

639.275 1. The fee for a biennial registration certificate which covers the period beginning on November 1 of each even-numbered year is:

(a) Three hundred dollars for a registration certificate to *prescribe and* dispense controlled substances [~~and~~], *poisons, dangerous drugs and devices or* to prescribe and dispense poisons, dangerous drugs and devices.

(b) One hundred dollars for a registration certificate to prescribe *controlled substances, poisons, dangerous drugs and devices or to prescribe* poisons, dangerous drugs and devices.

The fees are not refundable.

2. A physician's assistant who fails to reregister within the time prescribed by statute or regulation must pay, in addition to the fee required by subsection 1, an amount equal to 50 percent of that fee.

Sec. 4. NAC 639.277 is hereby amended to read as follows:

639.277 1. [An application for a] *A physician's assistant shall notify the board in writing of a* change in [:

(a) *The] the* location of *his* practice [; or

(b) *The] or a change of his* supervising physician [,

must be submitted to the board with a fee of \$25.

2. A physician's assistant may change:

(a) The list of poisons, dangerous drugs and devices which he is authorized to prescribe; or

(b) The list of controlled substances which he is authorized to dispense and the list of poisons, dangerous drugs and devices which he is authorized to prescribe and dispense, if he files with the board an amended list signed by his supervising physician. The amended list must also be filed with the board of medical examiners or the state board of osteopathic medicine.

3. A physician's assistant may not file an amended list with the board unless the list has been approved by the board of medical examiners or the state board of osteopathic medicine.] *not later than 10 days after the change occurs.*

Sec. 5. NAC 639.280 is hereby amended to read as follows:

639.280 1. Except as otherwise provided in subsections 2 and 3, a physician's assistant who is authorized to *prescribe and* dispense controlled substances , [**and to prescribe and dispense**] poisons, dangerous drugs and devices may dispense a controlled substance or dangerous drug in an amount which does not exceed a 10-day supply.

2. A physician's assistant who is authorized to prescribe and dispense dangerous drugs may dispense birth control pills in any quantity ordered by prescription.

3. A physician's assistant who is authorized to *prescribe and* dispense controlled substances , [**and to prescribe and dispense**] poisons, dangerous drugs and devices may dispense a controlled substance or dangerous drug in an amount which does not exceed a 90-day supply if he is employed by a public or nonprofit agency.

4. A physician's assistant who prescribes or dispenses drugs to a patient under the direction of a supervising physician or pursuant to NRS 454.00958, shall do so by a written prescription, unless the prescription is issued as an oral order to a pharmacy.

5. Each prescription dispensed by a physician's assistant must be serially numbered and kept in numerical order in a complete, accurate and readily retrievable form. Each record of a prescription must contain:

- (a) The name of the patient and, if not readily available from the practitioner's records, his address;
- (b) The name, strength and quantity of the prescribed medication;
- (c) The name of the prescribing practitioner and classification of his license;

(d) The practitioner's registration number issued by the Drug Enforcement Administration of the United States Department of Justice, if the product is a controlled substance;

(e) The initials of the dispensing practitioner, if the dispensing practitioner did not prescribe the medication;

(f) The directions for use;

(g) The date the prescription was issued; and

(h) The signature of the prescribing practitioner.

6. Each controlled substance or dangerous drug which is dispensed by a physician's assistant must be placed in a container affixed with a label which contains the following information:

(a) The date dispensed.

(b) The name of the supervising physician and the physician's assistant.

(c) The name of the patient.

(d) The specific directions for use indicating the portion of the body to which the medication is to be applied or, if it is to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

(e) The date of expiration of the drug.

(f) The name, strength and quantity of the drug dispensed.

(g) The following warning in capital letters:

CAUTION: DO NOT USE WITH ALCOHOL OR NONPRESCRIBED DRUGS
WITHOUT CONSULTING THE PRESCRIBING PRACTITIONER.

(h) The serial number of the prescription.

(i) Any other information which is required by federal or state law.

7. A physician's assistant may dispense dangerous drugs or controlled substances only after [the patient has been informed by the physician's assistant that the patient may request a written prescription and have it filled] *he has issued a written prescription that authorizes the patient to have the prescription filled by the physician's assistant or* at another location of the patient's choosing.

8. A physician's assistant may not dispense the same drug to the same person on consecutive weeks, except that, upon the prior written approval of the supervising physician, a physician's assistant who has dispensed a drug to a person pursuant to subsection 1 may dispense the drug to the same person a second time in an amount which does not exceed a 10-day supply.

[9. Except as otherwise provided in subsection 10, a controlled substance listed in:

(a) Schedule II may be dispensed only after the physician's assistant has obtained a written prescription from a physician.

(b) Schedule III, IV or V may be dispensed only after the physician's assistant has obtained an oral order or a written prescription from a physician.

10. If he is unable to communicate with a physician, a physician's assistant may dispense a controlled substance in an emergency without the order or prescription otherwise required by subsection 9. The quantity dispensed is limited to the amount adequate to treat the patient during the emergency. Within 72 hours after the physician's assistant begins to dispense the controlled substance, his supervising physician shall cause a written prescription for the quantity dispensed to be delivered to the dispensing physician's assistant.]

Sec. 6. NAC 639.290 is hereby amended to read as follows:

639.290 When a physician's assistant possessing a registration certificate to *prescribe and* dispense controlled substances [**and**], *poisons, dangerous drugs and devices or* to prescribe and dispense poisons, dangerous drugs and devices is ill or absent from his duties, another physician's assistant possessing such a registration certificate may perform the duties of the absent physician's assistant with the consent and under the supervision of the supervising physician of the absent physician's assistant. An inventory of drugs must be taken before the substitute begins his duties and again taken when the returning physician's assistant resumes his duties. The inventories must be attested to by the signature of the supervising physician and copies submitted to the secretary of the board upon the request of the board.

Sec. 7. NAC 639.282 and 639.284 are hereby repealed.

TEXT OF REPEALED SECTIONS

639.282 Prescriptions: Required form. Except as otherwise provided in NAC 639.284, each prescription issued by a physician's assistant must be written on a form approved by the board. In addition to the information required by NRS 454.223, the form must include:

1. The name, telephone number and address of the supervising physician; and
2. The following statement printed on the face of the form in capital letters:

THE UNDERSIGNED CERTIFIES THAT HE IS A PHYSICIAN'S ASSISTANT
AUTHORIZED BY THE BOARD OF MEDICAL EXAMINERS OR THE STATE
BOARD OF OSTEOPATHIC MEDICINE AND THE STATE BOARD OF PHARMACY
TO PRESCRIBE THE POISON, DANGEROUS DRUG OR DEVICE PRESCRIBED ON
THIS FORM. THIS PRESCRIPTION MAY NOT BE WRITTEN FOR A CONTROLLED
SUBSTANCE.

639.284 Prescriptions: Exceptions to required form. A physician's assistant may write a prescription in the form of a chart order or physician's order and, in a correctional institution, the prescription need not be written on the form required by NAC 639.282.