ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R015-03

Effective October 21, 2003

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

AUTHORITY: §§1-3, 7 and 11, NRS 639.070; §4, NRS 639.070, 639.1375 and 639.2351; §5, NRS 639.070 and 639.1373; §§6 and 8-10, NRS 639.070 and 639.1375.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***As used in NAC 639.270 to 639.295, inclusive, unless the context otherwise requires, "physician assistant" includes an osteopathic physician's assistant.***

Sec. 3. ***As used in NAC 639.850 to 639.900, inclusive, and section 4 of this regulation unless the context otherwise requires, "collaborating physician" has the meaning ascribed to it in NAC 632.038.***

Sec. 4. ***1. Except as otherwise provided in subsection 2, an advanced practitioner of nursing who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices may prescribe a controlled substance, poison, dangerous drug and device or a poison, dangerous drug and device, as applicable, only:***

(a) For a legitimate medical purpose; and

(b) In such amounts as are authorized by his collaborating physician, except that the amounts must not exceed a 365-day supply.

2. The limitation set forth in paragraph (b) of subsection 1 does not apply to any method of birth control prescribed by an advanced practitioner of nursing.

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 assistant who is authorized to prescribe and dispense controlled substances, poisons, dangerous drugs and devices ***or to prescribe and dispense poisons, dangerous drugs and devices*** may ***prescribe and*** dispense a controlled substance ***, poison, dangerous drug and device*** or ***a poison,*** dangerous drug ***and device, as applicable, only:***

(a) For a legitimate medical purpose; and

(b) In such amounts as are authorized by his supervising physician except that ~~[in an amount which does not]~~ ***the amounts must not*** exceed a ~~[10-day]~~ ***365-day*** supply.

2. A physician assistant who is authorized to prescribe and dispense dangerous drugs may dispense ***any method of*** birth control ~~[pills]~~ in any quantity ordered by prescription.

3. ~~[A physician assistant who is authorized to prescribe and dispense controlled substances, 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.]~~ ***The limitation set forth in paragraph (b) of subsection 1 does not apply to any method of birth control prescribed or dispensed by a physician assistant.***

4. A physician 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 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 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 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 assistant may dispense dangerous drugs or controlled substances only after he has issued a written prescription that authorizes the patient to have the prescription filled by the physician assistant or at another location of the patient's choosing.~~

~~8. A physician 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 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.~~**]**

Sec. 6. NAC 639.850 is hereby amended to read as follows:

639.850 1. The application of an advanced practitioner of nursing for a certificate of registration to prescribe controlled substances, 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 certificate issued by the State Board of Nursing which authorizes the applicant to prescribe controlled substances, poisons, dangerous drugs and devices;

(c) The name, address and telephone number of the applicant's ~~[supervising]~~ ***collaborating*** physician; and

(d) Any other information requested by the Board.

2. Each advanced practitioner of nursing who applies for a certificate of registration and his ~~[supervising]~~ ***collaborating*** physician may be required by the Board to appear personally before the Board for a determination and an assignment of the specific authority to be granted to the advanced practitioner of nursing.

3. Each advanced practitioner of nursing to whom a certificate of registration is issued must be registered to a ~~[supervising]~~ ***collaborating*** physician.

Sec. 7. NAC 639.863 is hereby amended to read as follows:

639.863 If a change in the location of practice or the ~~[supervising]~~ ***collaborating*** physician of an advanced practitioner of nursing occurs, the advanced practitioner of nursing shall submit the change in writing to the Board.

Sec. 8. NAC 639.870 is hereby amended to read as follows:

639.870 1. The application of an advanced practitioner of nursing for a certificate of registration to dispense controlled substances, 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 certificate issued by the State Board of Nursing which authorizes the applicant to dispense controlled substances, poisons, dangerous drugs and devices;

(c) The name, address and telephone number of the applicant's ~~[supervising]~~ ***collaborating*** physician;

(d) A statement signed by a pharmacist registered by the Board and the applicant which indicates that the pharmacist is available to the applicant as a consultant concerning the dispensing of controlled substances, poisons, dangerous drugs and devices;

(e) Written verification from the State Board of Nursing that the applicant has passed an examination on Nevada law relating to pharmacy; and

(f) Any other information requested by the Board.

2. Each application for the issuance or the biennial renewal of a certificate of registration must be accompanied by a nonrefundable fee of $300. The biennial certificate of registration covers the period beginning on November 1 of each even-numbered year.

3. Each advanced practitioner of nursing who applies for a certificate of registration and his ~~[supervising]~~ ***collaborating*** physician must appear personally before the Board for a determination and an assignment of the specific authority to be granted to the advanced practitioner of nursing if the advanced practitioner of nursing:

(a) Will be operating in a practice not previously licensed by the Board;

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

(c) Is requested to do so by the Board.

4. Each advanced practitioner of nursing to whom a certificate of registration is issued must be registered to a ~~[supervising]~~ ***collaborating*** physician.

5. An advanced practitioner of nursing who fails to renew his certificate of registration within the time prescribed by statute or regulation must pay, in addition to the fee for renewal required by subsection 2, a fee equal to 50 percent of the fee for the renewal of the certificate.

Sec. 9. NAC 639.879 is hereby amended to read as follows:

639.879 1. An advanced practitioner of nursing who dispenses drugs to a patient under the direction of a ~~[supervising]~~ ***collaborating*** physician or pursuant to NRS 454.00958, shall do so by a written prescription, unless the prescription is issued as an oral order from a practitioner.

2. ~~[Each prescription dispensed by an advanced practitioner of nursing 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, the patient's 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.~~

~~3. An advanced practitioner of nursing may dispense dangerous drugs or controlled substances only after the patient has been informed by the advanced practitioner of nursing that the patient may request a written prescription and have it filled at another location of the patient's choosing.~~

~~4. Except as otherwise provided in subsections 5 and 6, an advanced practitioner of nursing may not dispense a controlled substance or dangerous drug in an amount which exceeds a 10-day supply.~~

~~5. An advanced practitioner of nursing may dispense birth control pills in any quantity ordered by prescription.~~

~~6. An~~ ***Except as otherwise provided in subsection 3, an*** advanced practitioner of nursing who is ~~[employed by a public or nonprofit agency]~~ ***authorized to dispense controlled substances, poisons, dangerous drugs and devices or to dispense poisons, dangerous drugs and devices*** may dispense a controlled substance ***, poison, dangerous drug and device*** or ***a poison,*** dangerous drug ~~[in an amount which does]~~ ***and device, as applicable, only:***

(a) For a legitimate medical purpose; and

(b) In such amounts as are authorized by his collaborating physician, except that the amounts must not exceed a ~~[90-day]~~ ***365-day*** supply.

3. An advanced practitioner of nursing who is authorized to dispense dangerous drugs may dispense any method of birth control in any quantity ordered by prescription.

Sec. 10. NAC 639.892 is hereby amended to read as follows:

639.892 A controlled substance, dangerous drug or poison dispensed by an advanced practitioner of nursing must be dispensed in a child-proof container unless he is instructed otherwise by his ~~[supervising]~~ ***collaborating*** physician.

Sec. 11. NAC 639.882, 639.888 and 639.895 are hereby repealed.

TEXT OF REPEALED SECTIONS

639.882 Use and labeling of containers for dispensing. Each controlled substance or dangerous drug which is dispensed by an advanced practitioner of nursing must be placed in a container affixed with a label which contains the following information:

1. The date dispensed;

2. The name of the supervising physician and the dispensing advanced practitioner of nursing;

3. The name of the patient;

4. The directions for use indicating the portion of the body to which the medicine is to be applied and 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;

5. The expiration date of the drug;

6. The name, strength and quantity of the drug dispensed;

7. The following warning in capital letters:

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

8. The serial number of the prescription; and

9. Any other information which is required by federal or state law.

639.888 Limitations on authority to dispense.

1. Except for birth control pills, the maximum amount of any drug which an advanced practitioner of nursing may dispense is a 10-day supply.

2. An advanced practitioner of nursing may not dispense the same drug to the same person on consecutive weeks except that a second 10-day supply may be dispensed upon the prior written approval of the supervising physician.

3. Except as otherwise provided in subsection 4, a controlled substance listed in:

(a) Schedule II may only be dispensed after the advanced practitioner of nursing has obtained a written prescription from a physician.

(b) Schedule III, IV or V may only be dispensed after the advanced practitioner of nursing has obtained an oral order or written prescription from a physician.

4. An advanced practitioner of nursing may dispense a controlled substance in an emergency without the approval of his supervising physician if he is unable to communicate with the supervising physician. The quantity dispensed must be limited to the amount adequate to treat the patient during the emergency. Within 72 hours after the advanced practitioner of nursing begins to dispense the controlled substance, the supervising physician shall cause a written prescription for the quantity dispensed to be delivered to the dispensing advanced practitioner of nursing.

639.895 Registration for controlled substances. An advanced practitioner of nursing authorized to dispense performs the dispensing function pursuant to the registration for controlled substances of his supervising physician and no further registration is required.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R015-03

The State Board of Pharmacy adopted regulations assigned LCB File No. R015-03 which pertain to chapter 639 of the Nevada Administrative Code on September 11, 2003.

Notice date: 8/11/2003 **Date of adoption by agency:** 9/11/2003
Hearing date: 9/11/2003 **Filing date:** 10/21/2003

INFORMATIONAL STATEMENT

1. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

There was no public response expressed relative to this proposed regulation.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

There was no public response expressed relative to this proposed regulation.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

There was no response from affected businesses relative to this proposed regulation.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The proposed regulation was adopted without change as no testimony was offered.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

   A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

   This regulation should have no economic impact on affected businesses or on the public.

   B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

   This regulation will have no immediate or long-term economic effects on business or the public.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no cost incurred by the board for enforcement of this regulation.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

8. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

This regulation does not provide a new or increase of fees.