LCB File No. R020-03

PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY

(This proposed regulation was previously adopted as LCB File No. T035-03)

FULFILLMENT PHARMACY REVISIONS

Section 1. NAC 639.7125 shall be amended as follows:

1. A prescription may be filled by a fulfillment pharmacy for a dispensing pharmacy if:
  (a) The dispensing pharmacy enters the data concerning the prescription into its computer system and transfers that data to the computer system of the fulfillment pharmacy in a secure and confidential manner;
  (b) The computer system of the dispensing pharmacy:
    (1) Transmits to the computer system of the fulfillment pharmacy **[the name of the manufacturer and]** the National Drug Code number of a generic drug in stock that the dispensing pharmacy would have used to fill the prescription if the prescription had not been transmitted to the fulfillment pharmacy;
    (2) Makes and retains a record documenting the date and time that the prescription is transmitted to the fulfillment pharmacy and the identity of the fulfillment pharmacy; and
    (3) If applicable, automatically reduces the number of refills of the prescription;
  (c) The computer systems of the dispensing pharmacy and the fulfillment pharmacy are operated in compliance with the applicable provisions of this chapter and chapter 639 of NRS;
  (d) The fulfillment pharmacy labels the container in which the prescription will be dispensed in compliance with NRS 639.2801 using a label from the dispensing pharmacy or a label that contains the same information as the dispensing pharmacy would have been required to place on the label if the dispensing pharmacy had filled the prescription; **[and]**
  (e) **[A]** *For each new prescription, a* pharmacist employed by the dispensing pharmacy:
    (1) Verifies the correctness of the data in the computer system of the dispensing pharmacy concerning the *new* prescription before the prescription is transmitted to the fulfillment pharmacy to be filled, if:
        (I) The computer system of the dispensing pharmacy is capable of recording the identification of the pharmacist and the date and time when the pharmacist performed the verification; and
        (II) The pharmacist properly records in the computer system of the dispensing pharmacy his verification of the data; or
    (2) Verifies the correctness of the *new* prescription when it is received from the fulfillment pharmacy and the pharmacist makes a written notation on the prescription **[or the refill log]** *or in the computer record for that prescription* that includes his name and the date on which he performed the verification**[.]** *; and*
  (f) For each refill of a prescription, a pharmacist employed by the dispensing pharmacy is not required to, but may in his professional judgment, verify the correctness of the refilled prescription when it is received from the fulfillment pharmacy. For each refill of a

prescription the dispensing pharmacy shall make on a written document or in the computer system for the pharmacy a record of:

(1) The date the refill of the prescription was sent to the fulfillment pharmacy;

(2) The date the refill of the prescription was received by the dispensing pharmacy from the fulfillment pharmacy; and

(3) The date the refill of the prescription was dispensed to the patient or the patient's agent.

2. If a dispensing pharmacy does not include prescriptions it has received from a fulfillment pharmacy as part of the dispensing pharmacy's inventory, then the dispensing pharmacy shall return a prescription to a fulfillment pharmacy that has not been dispensed to a patient no later than 30 days after the prescription was received from the fulfillment pharmacy. For each prescription returned to a fulfillment pharmacy, the pharmacist at the dispensing pharmacy shall make on a written document or in the computer system for the pharmacy a record of the date that the prescription was returned.

3. If a dispensing pharmacy includes prescriptions it has received from a fulfillment pharmacy as part of the dispensing pharmacy's inventory, then the dispensing pharmacy shall:

(a) Take possession of the prescriptions only if the prescriptions are accompanied with the invoices for dangerous drugs and controlled substances contained in the prescriptions;

(b) File and handle the invoices for the prescriptions in the same manner as the dispensing pharmacy files and handles invoices for drugs that it receive from a pharmaceutical wholesaler; and

(c) Handles the prescriptions as if they originated from the inventory of the pharmacy.

[2] *4*. If a fulfillment pharmacy fills a prescription pursuant to this section with a generic drug that is manufactured by a different manufacturer than the manufacturer used by the dispensing pharmacy, the fulfillment pharmacy shall show on the label of the prescription the name of the manufacturer of the generic drug used to fill the prescription and the computer system of the fulfillment pharmacy must transmit to the computer system of the dispensing pharmacy [the name of the manufacturer], the National Drug Code number and the price of that generic drug. If the computer system of the fulfillment pharmacy is incapable of transmitting such data to the dispensing pharmacy, the fulfillment pharmacy shall not fill the prescription and shall notify the dispensing pharmacy that the fulfillment pharmacy cannot fill the prescription.

[3] *5*. The transmission of a prescription by a dispensing pharmacy to a fulfillment pharmacy pursuant to this section is not a transfer of a prescription.

[4] *6*. A dispensing pharmacy shall ensure that:

(a) A patient has been counseled in compliance with NRS 639.266 and NAC 639.707 and 639.708; and

(b) All communications with the patient are made by and through the dispensing pharmacy.

[5] *7*. If a prescription is transmitted to and filled by a fulfillment pharmacy pursuant to this section, both the dispensing pharmacy and the fulfillment pharmacy are individually responsible for ensuring that the prescription has been filled correctly.

[6] *8*. A dispensing pharmacy shall not transmit, and a fulfillment pharmacy shall not fill, a prescription pursuant to this section for any controlled substance listed in Schedule II.

[7] *9*. As used in this section:

(a) "Dispensing pharmacy" means a pharmacy licensed by the board that:

(1) Sends a prescription to a fulfillment pharmacy to be filled by the fulfillment pharmacy; and
        (2) Dispenses the prescription filled by the fulfillment pharmacy to the ultimate user.
    (b) "Fulfillment pharmacy" means a pharmacy licensed by the board that fills prescriptions on behalf of a dispensing pharmacy.