

LCB File No. R156-04

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

**AMENDMENT TO THE REGULATIONS REGARDING
VERIFICATIONS REQUIRED FOR SOME OUT-OF-STATE PRESCRIPTIONS**

Section 1. NAC 639.752 is hereby amended as follows:

1. ~~[Except as otherwise provided in this section and NRS 639.235, a prescription must not be filled or dispensed if the prescription is]~~ *A pharmacist must verify a new prescription for a dangerous drug that satisfies all of the following criteria where the prescription is:*

- (a) Written by a practitioner who is not licensed to practice in this state;
- (b) For a patient who ~~[resides in a state other than]~~ *does not reside in* Nevada or the state in which the practitioner's practice is located; ~~[and]~~
- (c) Requested to be furnished ~~[in a manner inconsistent with NAC 639.710.]~~ *other than by dispensing personally to the patient or the patient's agent; and*
- (d) *Paid for entirely by cash or credit card or through the use of a Medicare prescription benefit.*

2. *A pharmacist is not required to verify a prescription that does not satisfy all of the four criteria in this section, but may do so if he deems such verification necessary or useful in his professional judgment.*

~~[2.—A prescription described in subsection 1 that is not a controlled substance listed in schedule II, III or IV may be filled and dispensed if:~~

~~—(a) The patient has sought payment for the prescription from a managed care system or insurance plan in which the patient is enrolled that has contracted with the pharmacy for the provision of pharmaceutical services; or~~

~~—(b) A pharmacist has spoken with the patient and the practitioner and has ascertained that the prescription is valid and that a bona fide therapeutic relationship exists between the patient and the practitioner. In determining whether a bona fide therapeutic relationship exists, the pharmacist shall ascertain the date and place at which the practitioner physically examined the patient and shall record that information on the prescription or in another readily retrievable record.]~~

3. *The verification of a prescription required in subsection 1 shall be done by a pharmacist who shall establish through a telephone call with the patient or the practitioner that the prescription is the result of a bona fide therapeutic relationship. The pharmacist shall record on the prescription or in the prescription record in the pharmacy's computer:*

- (a) *The name of the person with whom he spoke concerning the prescription;*
- (b) *The date of the conversation; and*
- (c) *The date the patient was physically examined by the person prescribing the dangerous drug for which the prescription was issued.*

↪ A pharmacist must verify a new prescription as required in subsection 1 only the first time that the prescription is filled for that patient and that practitioner at that pharmacy. Subsequent prescriptions at that pharmacy for the same patient need not be verified unless the

pharmacist, in his professional judgment, determines to discuss the prescription with the prescribing practitioner.

~~§~~ 4. As used in this section, “bona fide therapeutic relationship” means a relationship in which a practitioner has physically examined a patient *within six months of the date of the prescription* and, as a result of the examination, has diagnosed a condition for which a given drug therapy is prescribed.