

PROPOSED REGULATION OF THE BOARD OF PHARMACY

REGULATIONS REGARDING QUALIFICATIONS FOR CERTIFICATION OF INTERNET PHARMACIES

NAC ch. 639 shall be amended to add the following new language:

1. Any pharmacy licensed by the board may practice as an internet pharmacy if it is certified by the board. A pharmacy shall apply for certification by the board on an application provided by the board.

2. The board shall certify a pharmacy to practice internet pharmacy if:

(a) The pharmacy is certified by the National Association of Boards of Pharmacy's Verified Internet Pharmacy Practice Sites Program; or

(b) The pharmacy:

(i) Is licensed to practice pharmacy in every state in which the pharmacy will practice pharmacy;

(ii) Maintains and enforces policies and procedures that assure that:

(A) A prescription received is authentic;

(B) A prescription filled by the internet pharmacy has not been and cannot be filled by any other pharmacy;

(C) The identity of the patient and prescribing practitioner are verified to be authentic;

(D) A prescription is filled in compliance with all applicable federal and state laws;

(E) A patient or caregiver may make a complaint to the pharmacy regarding the patient's prescription;

(F) A patient or caregiver complaint is investigated thoroughly, that the results of the investigation are communicated to the patient, and that if the investigation reveals that the operations of the pharmacy resulted in an error in the processing or filling of the patient's prescription, appropriate remedial action is taken;

(G) The pharmacy will communicate to a patient or a prescribing practitioner any delay that might jeopardize or alter the patient's drug therapy encountered in delivering the prescribed drug or device;

(H) The pharmacy will communicate to a patient information regarding drug recalls and the appropriate means to dispose of expired, damaged, or unusable drugs or devices;

(iii) Obtains and maintains patient information necessary to facilitate drug utilization review and patient counseling pursuant to applicable state laws;

(iv) Provides drug utilization review and patient counseling pursuant to the law applicable to the state in which the patient resides;

(v) Maintains controls on its computer system, patient information, and other confidential information and documents to prevent unauthorized or unlawful access to the confidential information and documents;

(vi) Ships prescriptions to a patient using a secure and traceable means;

(vii) Ships prescriptions to a patient using packaging or devices that will assure that the prescription is maintained within appropriate temperature, light, and humidity standards as established by the United States Pharmacopeia; and

(viii) Complies with applicable federal and state laws regarding:

(A) The dispensing of prescription drugs;

(B) The record keeping related to the patients served by the pharmacy, purchase of prescription drugs, the sale and dispensing of prescription drugs; and

(C) The sale of over-the-counter products, including any special requirement related to products that have been identified as precursors to the manufacture or compounding of illegal drugs.

3. Any internet pharmacy certified under this section consents to allowing free access to members of the board, its inspectors and investigators, investigators for the division, inspectors for the Food and Drug Administration, and other people authorized by the board to inspect or investigate at the board's direction and control at all times during business hours to all places where drugs, medicines, poisons, devices, or appliances and to all records regarding the purchase, sale, dispensing, shipping, and all other dealings with such drugs, medicines, poisons, devices, or appliances.

4. Members of the board, its inspectors and investigators, investigators for the division, inspectors for the Food and Drug Administration, and other people authorized by the board to inspect or investigate at the board's direction and control may request that an internet pharmacy certified under this section provide copies of records by mail, e-mail, or other means to be delivered within a reasonable time as established by the person making the request for the records.

5. An internet pharmacy certified under this section that does not comply with the provisions of subsections 3 and 4 may have its certification and license summarily suspended by the executive secretary of the board until disciplinary action can be initiated and prosecuted pursuant to NRS 639.241 et seq. The executive secretary may lift a summary suspension under this subsection if access to the records or the requested records are provided.

Workshop 7/26/01

Public Hearing 10/17/01