

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

LCB File No. R037-10

**TELEPHARMACY REGULATION
Amendments from January 14, 2010 Workshop**

Sec. 1. Chapter 639 of NAC is hereby amended by adding thereto the following new language:

A pharmacist or dispensing practitioner who is responsible for the operation of a remote site shall:

- 1. Maintain a connection via computer, video and audio link with its pharmacy or dispensing practitioner at all times of operation that is physically located in Nevada.*
- 2. Assure that a pharmacist or dispensing practitioner, that is physically located in Nevada, is available via the computer, video and audio link at all times of operation.*
- 3. Not allow the pharmaceutical technician or the dispensing technician to gain access to the drugs unless the pharmaceutical technician has first consulted with his pharmacist or the dispensing technician has first consulted with his dispensing practitioner.*
- 4. Not allow the remote site to dispense a prescription to a patient unless the pharmacist has visually verified the correctness of the drug selected by his pharmaceutical technician and the label prepared by his pharmaceutical technician, or the dispensing practitioner has visually verified the correctness of the drug selected by his dispensing technician and the label prepared by his dispensing technician via the computer, video and audio link.*
- 5. Assure that the pharmacist or dispensing practitioner verifies the correctness of all data input into the remote site's computer system for any prescription for which the data was input by the pharmaceutical technician or dispensing technician at the remote site before the remote site may dispense the prescription to a patient.*
- 6. Assure that the pharmaceutical technician who is employed by the pharmacy has at least one year of experience prior to being allowed to dispense drugs at a remote site as a pharmaceutical technician or the dispensing technician has been verified to be competent through documented training and certification by the dispensing practitioner.*
- 7. Dispense drugs only to patients within the service area of the remote site or to patients for whom the remote site is closer than any licensed pharmacy or registered dispensing practitioner. If a pharmacy is established in the service area the remote site must close.*
- 8. Transmit a copy of any new prescription it receives to the pharmacy or dispensing practitioner via secured electronic means and shall retain the original prescription in the remote site.*
- 9. Make and maintain at the remote site and at the pharmacy or dispensing practitioner's practice site all records related to all drugs received, stored, dispensed, returned or otherwise dealt with by the remote site, including but not limited to:*
 - (a) Prescriptions dispensed at the remote site;*

(b) A record containing the initials of the pharmaceutical technician or dispensing technician made and maintained at the remote site relating to each prescription dispensed by the remote site;

(c) A record containing the initials of the verifying pharmacist or dispensing practitioner made and maintained at the pharmacy or dispensing practitioner's practice site relating to each prescription verified and approved by the pharmacist or dispensing practitioner that was dispensed at the remote site;

(d) Records regarding drug stocks transferred between the pharmacy and its remote site or the dispensing practitioner and his remote site; and

(e) Records made and maintained at the pharmacy regarding counseling performed by the pharmacist of patients at the remote site.

10. Assure that records made and maintained at the remote site, including prescriptions, are distinguishable from records made and maintained by the pharmacy or dispensing practitioner so that it will be readily apparent which prescriptions have been dispensed at the remote site and which prescriptions have been dispensed by the pharmacy or dispensing practitioner;

11. If the remote site will dispense controlled substances, obtain and maintain registration with the board and its own registration with the federal drug enforcement administration;

12. If the remote site will dispense controlled substances in schedule II, obtain and maintain all records regarding the receipt, storage, and transfer of such controlled substances, including all drug enforcement agency 222 forms;

13. Assure that the software system used by the pharmacy or nonprofit entity that employs a dispensing practitioner is able to generate prescription labels at either the pharmacy or the dispensing practitioner's practice site or at the remote site, all labels must have both the pharmacist or dispensing practitioners initials and the pharmaceutical technicians or dispensing technicians initials;

14. Make and maintain policies and procedures to assure compliance by the employees at the remote site with all applicable statutes and regulations and to assure the safe and effective dispensing and accounting for drugs maintained at the remote site;

15. Assure that a pharmacist or dispensing practitioner responsible for a remote site personally inspects the site at least monthly for compliance with all applicable statutes and regulations and policies and procedures and document the visits.

16. Count the pharmaceutical technician or dispensing technician as part of the ratio that must be maintained by the pharmacy or dispensing practitioner pursuant to regulation.

17. As dispensing is considered to be done by the pharmacist or the dispensing practitioner, the pharmacist or dispensing practitioner are responsible for and held accountable for dispensing at the remote site.