

Amendment No. CA51

First Conference Committee Amendment to Senate Bill No. 163 Second Reprint (BDR 54-22)

Proposed by: First Conference Committee

Amendment Box:

Resolves Conflicts with: N/A

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4,
following sec. 3, to read as follows:

“Sec. 4. 1. *If a regulatory body initiates disciplinary proceedings against a licensee pursuant to this title, the licensee shall, within 30 days after the licensee receives notification of the initiation of the disciplinary proceedings, submit to the regulatory body a complete set of his fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

2. *The willful failure of the licensee to comply with the requirements of subsection 1 constitutes an additional ground for the regulatory body to take disciplinary action against the licensee, including, without limitation, suspending or revoking the license of the licensee.*

3. *A regulatory body has an additional ground for taking disciplinary action against the licensee if:*

KP

Date: 6/6/2005

S.B. No. 163—Makes changes relating to certain regulatory bodies which administer occupational licensing.



(a) The report from the Federal Bureau of Investigation indicates that the licensee has been convicted of an unlawful act that is a ground for taking disciplinary action against the licensee pursuant to this title; and

(b) The regulatory body has not taken any prior disciplinary action against the licensee based on that unlawful act.

4. To the extent possible, the provisions of this section are intended to supplement other statutory provisions governing disciplinary proceedings. If there is a conflict between such other provisions and the provisions of this section, the other provisions control to the extent that the other provisions provide more specific requirements regarding the discipline of a licensee.”.

Amend the bill as a whole by deleting sec. 95.5 and adding a new section designated sec. 95.5, following sec. 95, to read as follows:

“**Sec. 95.5.** Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon the request of a patient, a registered pharmacist shall transfer a prescription for the patient to another registered pharmacist.

2. A registered pharmacist who transfers a prescription pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription in violation of:

(a) Any law or regulation of this State;

(b) Federal law or regulation; or

(c) A contract for payment by a third party if the patient is a party to that contract.”.

Amend the bill as a whole by adding new sections designated sections 98.3 and 98.7, following sec. 98, to read as follows:

“**Sec. 98.3.** NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 ~~for~~ *or*
section 95.5 of this act:

1. A prescription must be given:

- (a) Directly from the practitioner to a pharmacist;
- (b) Indirectly by means of an order signed by the practitioner;
- (c) By an oral order transmitted by an agent of the practitioner; or
- (d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

- (a) Except as otherwise provided in this section, the name and signature of the practitioner, and his address if not immediately available to the pharmacist;
- (b) The classification of his license;
- (c) The name of the patient, and his address if not immediately available to the pharmacist;
- (d) The name, strength and quantity of the drug ~~for drugs~~ prescribed;
- (e) Directions for use; and
- (f) The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if 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.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law.

6. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

(a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner; or

(b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner.

Sec. 98.7. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. ~~[A]~~ *Except as otherwise provided in section 95.5 of this act, a* pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; or

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order.

2. ~~[Any]~~ *Except as otherwise provided in section 95.5 of this act, any* copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on

the original prescription and be clearly marked on its face “Copy, Not Refillable—For Reference Purposes Only.” The copy must bear the name or initials of the registered pharmacist who prepared the copy.

3. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

4. ~~If, at the express request of a customer, a copy of a prescription for any controlled substance or dangerous drug is furnished to another pharmacist, the original prescription must be voided and notations made thereon showing the date and the name of the pharmacist to whom the copy was furnished. The pharmacist receiving the copy shall call the prescribing practitioner for a new prescription.~~

~~—5.]~~ As used in this section, “peace officer” does not include:

(a) A member of the Police Department of the University and Community College System of Nevada.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.”.

Amend sec. 234, page 158, line 9, by deleting:

“98, 99, 100,” and inserting:

“98 to 100, inclusive,”.

Amend the title of the bill to read as follows:

“AN ACT relating to occupations; prohibiting certain regulatory bodies which administer occupational licensing from holding a meeting outside this State under certain

circumstances; requiring such regulatory bodies to indicate in their notices under the Open Meeting Law whether a meeting will be conducted by an audio or video teleconference at one or more locations; requiring a licensee who is involved in disciplinary proceedings to submit his fingerprints to the regulatory body to obtain a report of his criminal history; permitting a regulatory body to take disciplinary action against such a licensee under certain circumstances; extending the date on which certain provisions relating to occupational licensing expire by limitation; requiring a registered pharmacist, upon request by a patient, to transfer a prescription for the patient to another registered pharmacist; making technical revisions to certain provisions relating to occupational licensing; providing a penalty; and providing other matters properly relating thereto.”.

If this amendment is adopted, the Legislative

Counsel's Digest will be deleted.