

SENATE BILL NO. 327—SENATORS JONES, SEGERBLOM
AND KIECKHEFER (BY REQUEST)

MARCH 18, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to health care professions. (BDR 54-772)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health care professions; revising provisions to authorize the performance of certain acts in this State by certain health care professionals without regard to whether the professionals are physically located in this State; revising provisions governing the issuance of certain licenses to certain graduates of foreign medical schools; requiring the Board of Medical Examiners to adopt certain regulations regarding physician assistants; revising provisions governing the practice of telemedicine by an osteopathic physician; prohibiting the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds; revising provisions relating to telepharmacies, remote sites and satellite consultation sites; revising provisions relating to the procedure for filling certain prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of “practice of medicine” to include acts performed without regard to whether the practitioner is physically located in this State.

Existing law authorizes the issuance of a special purpose license to a physician who is licensed in another state. (NRS 630.261) **Section 2** of this bill provides that a physician so licensed may perform specified acts without regard to whether the physician is located in this State.



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Section 3 of this bill revises the provisions authorizing the issuance of restricted licenses to certain graduates of a foreign medical school.

Section 4 of this bill revises provisions requiring the Board of Medical Examiners to adopt certain regulations regarding physician assistants.

Existing law authorizes a registered nurse who is certified as an advanced practitioner of nursing to perform certain acts. (NRS 632.237) **Sections 5 and 6** of this bill authorize an advanced practitioner of nursing to perform those acts by using certain technology, whether or not the advanced practitioner of nursing is located in this State.

Section 7 of this bill revises provisions governing the practice of telemedicine by an osteopathic physician.

Section 8 of this bill revises the provisions authorizing the issuance of special licenses to certain graduates of a foreign medical school which teaches osteopathic medicine.

Section 9 of this bill revises provisions relating to the supervision of a physician assistant by a supervising osteopathic physician.

Section 14 of this bill prohibits the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds.

Sections 10-13 and 15 of this bill revise provisions relating to telepharmacies, remote sites and satellite consultation sites.

Section 16 of this bill revises provisions relating to the procedure for filling certain prescriptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.020 is hereby amended to read as follows:
630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics ~~from within or outside this State or the United States.~~

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

Sec. 2. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure



1 in this State and who is of good moral character and reputation. The
2 purpose of this license is to enable an eligible physician to serve as a
3 substitute for another physician who is licensed to practice medicine
4 in this State and who is absent from his or her practice for reasons
5 deemed sufficient by the Board. A license issued pursuant to the
6 provisions of this paragraph is not renewable.

7 (b) A special license to a licensed physician of another state to
8 come into this State to care for or assist in the treatment of his or her
9 own patient in association with a physician licensed in this State. A
10 special license issued pursuant to the provisions of this paragraph is
11 limited to the care of a specific patient. The physician licensed in
12 this State has the primary responsibility for the care of that patient.

13 (c) A restricted license for a specified period if the Board
14 determines the applicant needs supervision or restriction.

15 (d) A temporary license for a specified period if the physician is
16 licensed and in good standing in another state and meets the
17 requirements for licensure in this State, and if the Board determines
18 that it is necessary in order to provide medical services for a
19 community without adequate medical care. A temporary license
20 issued pursuant to the provisions of this paragraph is not renewable.

21 (e) A special purpose license to a physician who is licensed in
22 another state to ~~permit the use of~~ *perform any of the acts*
23 *described in subsections 1 and 2 of NRS 630.020 by using*
24 equipment that transfers information concerning the medical
25 condition of a patient in this State ~~across state lines~~ electronically,
26 telephonically or by fiber optics ~~from within or outside this State~~
27 *or the United States.*

28 2. For the purpose of paragraph (e) of subsection 1, the
29 physician must:

30 (a) Hold a full and unrestricted license to practice medicine in
31 another state;

32 (b) Not have had any disciplinary or other action taken against
33 him or her by any state or other jurisdiction; and

34 (c) Be certified by a specialty board of the American Board of
35 Medical Specialties or its successor.

36 3. Except as otherwise provided in this section, the Board may
37 renew or modify any license issued pursuant to subsection 1.

38 **Sec. 3.** NRS 630.2645 is hereby amended to read as follows:

39 630.2645 1. Except as otherwise provided in NRS 630.161,
40 the Board may issue a restricted license *to teach, research or*
41 *practice medicine* to a person ~~who~~:

42 ~~(a) Is~~ *if:*

43 *(a) The person:*

44 *(1) Submits to the Board:*



(I) *Proof that the person is* a graduate of a foreign medical school ~~;~~

~~—(b) Teaches,;~~ *as provided in NRS 630.195;*

(II) *Proof that the person teaches,* researches or practices medicine outside the United States ~~;~~

~~—(c) Is a recognized medical expert; and~~

~~—(d) ; and~~

(III) *Any other documentation or proof of qualifications required by the Board; and*

(2) Intends to teach, research or practice ~~clinical~~ medicine at a *medical facility*, medical research facility or medical school in this State.

(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice medicine . ~~;~~ ~~but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.~~

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice ~~clinical~~ medicine in this State at the *medical facility*, medical research facility or medical school where the person is employed:

(a) The *medical facility*, medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

7. A restricted license to teach, research or practice medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 4. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:



1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.
6. The duration, renewal and termination of licenses.
7. The grounds and procedures respecting disciplinary actions against physician assistants.
8. The supervision of medical services of a physician assistant by a supervising physician **H**, *including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.*
9. *A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

Sec. 5. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

- (a) Perform designated acts of medical diagnosis;
 - (b) Prescribe therapeutic or corrective measures; and
 - (c) Prescribe controlled substances, poisons, dangerous drugs and devices,
- ➔ and who meets the other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

- (a) Engage in selected medical diagnosis and treatment; and
 - (b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,
- ➔ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this*



State electronically, telephonically or by fiber optics from within or outside this State or the United States.

4. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

Sec. 6. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~4~~ 5, submits proof that he or she is certified as an advanced practitioner of nursing by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,

↪ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.



(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

~~44~~ 5. The provisions of paragraph (b) of subsection 1 do not apply to an advanced practitioner of nursing who obtains a certificate of recognition before July 1, 2014.

Sec. 7. NRS 633.165 is hereby amended to read as follows:

633.165 1. An osteopathic physician may engage in telemedicine ~~from~~ *from within or outside* this State *or the United States* if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient, take any steps necessary to be authorized or licensed to practice osteopathic medicine in the other state or territory of the United States in which the patient is physically located.

2. Except as otherwise provided in subsections 3 and 4, before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and ~~physical~~ *an* examination or consultation which occurred in person *or through the use of telemedicine* and which was sufficient to establish a diagnosis and identify any underlying medical conditions of the patient.

(b) The osteopathic physician must obtain informed, written consent from the patient or the legal representative of the patient to engage in telemedicine with the patient. The osteopathic physician shall maintain the consent form as part of the permanent medical record of the patient.

(c) The osteopathic physician must inform the patient, both orally and in writing:

(1) That the patient or the legal representative of the patient may withdraw the consent provided pursuant to paragraph (b) at any time;

(2) Of the potential risks, consequences and benefits of telemedicine;

(3) Whether the osteopathic physician has a financial interest in the Internet website used to engage in telemedicine or in the products or services provided to the patient via telemedicine;

(4) That the transmission of any confidential medical information while engaged in telemedicine is subject to all applicable federal and state laws with respect to the protection of and access to confidential medical information; and



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(5) That the osteopathic physician will not release any confidential medical information without the express, written consent of the patient or the legal representative of the patient.

3. An osteopathic physician is not required to comply with the provisions of paragraph (a) of subsection 2 if the osteopathic physician engages in telemedicine for the purposes of making a diagnostic interpretation of a medical examination, study or test of the patient.

4. An osteopathic physician is not required to comply with the provisions of paragraph (a) or (c) of subsection 2 in an emergency medical situation.

5. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of an osteopathic physician pursuant to this chapter; or

(b) Authorize the practice of osteopathic medicine or delivery of care by an osteopathic physician in a setting that is not authorized by law or in a manner that violates the standard of care required of an osteopathic physician pursuant to this chapter.

6. As used in this section, "telemedicine" means the practice of osteopathic medicine ~~{through the synchronous or asynchronous transfer of medical data or information using interactive audio, video or data communication, other than through a standard telephone, facsimile transmission or electronic mail message.}~~ *by using equipment that transfers information concerning the medical condition of a patient electronically, telephonically or by fiber optics.*

Sec. 8. NRS 633.415 is hereby amended to read as follows:

633.415 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license *to teach, research or practice osteopathic medicine* to a person ~~{who:~~

~~—(a) Is} if:~~

(a) The person:

(I) Submits to the Board:

(I) Proof that the person is a graduate of a foreign school which teaches osteopathic medicine;

~~{(b) Teaches.}~~

(II) Proof that the person teaches, researches or practices osteopathic medicine outside the United States;

~~{(c) Is a recognized expert in osteopathic medicine;}~~ and

~~{(d)}~~ *(III) Any other documentation or proof of qualifications required by the Board; and*

(2) Intends to teach, research or practice ~~{clinical}~~ osteopathic medicine at a *medical facility*, medical research facility or school of osteopathic medicine in this State.



1 *(b) Any other documentation or proof of qualifications*
2 *required by the Board is authenticated in a manner approved by*
3 *the Board.*

4 2. A person who applies for a special license *pursuant to this*
5 *section* is not required to take or pass a written examination
6 concerning his or her qualifications to practice osteopathic medicine
7 ~~. [but the person must satisfy the requirements for a special license~~
8 ~~set forth in regulations adopted by the Board.]~~

9 3. A person who holds a special license issued pursuant to this
10 section may practice osteopathic medicine in this State only in
11 accordance with the terms and restrictions established by the Board.

12 4. If a person who holds a special license issued pursuant to
13 this section ceases to teach, research or practice ~~[clinical]~~
14 osteopathic medicine in this State at the *medical facility*, medical
15 research facility or school of osteopathic medicine where the person
16 is employed:

17 (a) The *medical facility*, medical research facility or school of
18 osteopathic medicine, as applicable, shall notify the Board; and

19 (b) Upon receipt of such notification, the special license expires
20 automatically.

21 5. The Board may renew or modify a special license issued
22 pursuant to this section, unless the special license has expired
23 automatically or has been revoked.

24 6. The provisions of this section do not limit the authority of
25 the Board to issue a special license to an applicant in accordance
26 with any other provision of this chapter.

27 *7. A special license to teach, research or practice osteopathic*
28 *medicine may be issued, renewed or modified at a meeting of the*
29 *Board or between its meetings by the President and the Executive*
30 *Director of the Board. Such an action shall be deemed to be an*
31 *action of the Board.*

32 **Sec. 9.** NRS 633.469 is hereby amended to read as follows:

33 633.469 1. A supervising osteopathic physician shall provide
34 supervision to his or her physician assistant continuously whenever
35 the physician assistant is performing his or her professional duties.

36 2. ~~[Except as otherwise provided in subsection 3, a]~~ *A*
37 supervising osteopathic physician may provide supervision to his or
38 her physician assistant in person ~~[or by telecommunication]~~ ,
39 *electronically, telephonically or by fiber optics.* When providing
40 supervision ~~[by telecommunication]~~ *electronically, telephonically*
41 *or by fiber optics*, a supervising osteopathic physician may be at a
42 different site than the physician assistant ~~[]~~ , *including a site*
43 *located within or outside this State or the United States.*

44 3. A supervising osteopathic physician shall provide
45 supervision to his or her physician assistant ~~[in person]~~ at all times



1 during the first 30 days that the supervising osteopathic physician
2 supervises the physician assistant. ~~{After the first 30 days, the~~
3 ~~supervising osteopathic physician shall not regularly maintain the~~
4 ~~physician assistant at a different site than the supervising~~
5 ~~osteopathic physician.}~~ The provisions of this subsection do not
6 apply to a federally qualified health center.

7 4. Before beginning to supervise a physician assistant, a
8 supervising osteopathic physician must communicate to the
9 physician assistant:

10 (a) The scope of practice of the physician assistant;

11 (b) The access to the supervising osteopathic physician that the
12 physician assistant will have; and

13 (c) Any processes for evaluation that the supervising osteopathic
14 physician will use to evaluate the physician assistant.

15 5. A supervising osteopathic physician shall not delegate to his
16 or her physician assistant, and the physician assistant shall not
17 accept, a task that is beyond the physician assistant's capability to
18 complete safely.

19 6. As used in this section, "federally qualified health center"
20 has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

21 **Sec. 10.** NRS 639.0151 is hereby amended to read as follows:

22 639.0151 "Remote site" means:

23 1. A pharmacy staffed by a pharmaceutical technician and
24 equipped to facilitate communicative access to a pharmacy and its
25 registered pharmacists; or

26 2. An office ~~+~~

27 ~~—(a) Of~~ *of* a dispensing practitioner ~~{who is employed by a~~
28 ~~nonprofit entity}~~ that is ~~{designated as a federally qualified health~~
29 ~~center; and~~

30 ~~—(b) That is:~~

31 ~~—(1) Staffed~~ *staffed* by a dispensing technician ~~+~~ and
32 ~~{(2) Equipped}~~ *equipped* to facilitate communicative access
33 to the dispensing practitioner,

34 ~~→ {via computer link, video link and audio link}~~ *electronically,*
35 *telephonically or by fiber optics* during regular business hours ~~+~~
36 *from within or outside this State or the United States.*

37 **Sec. 11.** NRS 639.0153 is hereby amended to read as follows:

38 639.0153 "Satellite consultation site" means a site that only
39 dispenses filled prescriptions which are delivered to that site after
40 the prescriptions are prepared:

41 1. At a pharmacy where a registered pharmacist provides
42 consultation to patients ~~{via computer link, video link and audio link~~
43 ~~during regular business hours;}~~ ; or

44 2. At an office ~~+~~



1 ~~—(a) Of~~ of a dispensing practitioner ~~{who is employed by a~~
2 ~~nonprofit entity that is designated as a federally qualified health~~
3 ~~center; and~~

4 ~~—(b) Where~~ *where* the dispensing practitioner provides
5 consultation to patients ~~{via computer link, video link and audio~~
6 ~~link},~~

7 *↪ electronically, telephonically or by fiber optics* during regular
8 business hours ~~{}~~ *from within or outside this State or the United*
9 *States.*

10 **Sec. 12.** NRS 639.0154 is hereby amended to read as follows:
11 639.0154 “Telepharmacy” means:

12 1. A pharmacy; or

13 2. An office of a dispensing practitioner, ~~{who is employed by a~~
14 ~~nonprofit entity that is designated as a federally qualified health~~
15 ~~center,}~~

16 *↪ that is accessible by a remote site or a satellite consultation site*
17 ~~{via computer link, video link and audio link.}~~ *electronically,*
18 *telephonically or by fiber optics from within or outside this State*
19 *or the United States.*

20 **Sec. 13.** NRS 639.0727 is hereby amended to read as follows:
21 639.0727 The Board shall adopt regulations:

22 1. As are necessary for the safe and efficient operation of
23 remote sites, satellite consultation sites and telepharmacies; ~~{and}~~

24 2. To define the terms “dispensing practitioner” and
25 “dispensing technician,” to provide for the registration and
26 discipline of dispensing practitioners and dispensing technicians,
27 and to set forth the qualifications, powers and duties of dispensing
28 practitioners and dispensing technicians ~~{}~~;

29 3. *To authorize registered pharmacists to engage in the*
30 *practice of pharmacy electronically, telephonically or by fiber*
31 *optics from within or outside this State or the United States; and*

32 4. *To authorize prescriptions to be filled and dispensed to*
33 *patients as prescribed by practitioners electronically,*
34 *telephonically or by fiber optics from within or outside this State*
35 *or the United States.*

36 **Sec. 14.** NRS 639.100 is hereby amended to read as follows:

37 639.100 1. Except as otherwise provided in this chapter, it is
38 unlawful for any person to manufacture, engage in wholesale
39 distribution, compound, sell or dispense, or permit to be
40 manufactured, distributed at wholesale, compounded, sold or
41 dispensed, any drug, poison, medicine or chemical, or to dispense or
42 compound, or permit to be dispensed or compounded, any
43 prescription of a practitioner, unless the person:

44 (a) Is a prescribing practitioner, a person licensed to engage in
45 wholesale distribution, a technologist in radiology or nuclear



1 medicine under the supervision of the prescribing practitioner, a
2 registered pharmacist, or a registered nurse certified in oncology
3 under the supervision of the prescribing practitioner; and

4 (b) Complies with the regulations adopted by the Board.

5 2. Sales representatives, manufacturers or wholesalers selling
6 only in wholesale lots and not to the general public and
7 compounders or sellers of medical gases need not be registered
8 pharmacists. A person shall not act as a manufacturer or wholesaler
9 unless the person has obtained a license from the Board.

10 3. Any nonprofit cooperative organization or any manufacturer
11 or wholesaler who furnishes, sells, offers to sell or delivers a
12 controlled substance which is intended, designed and labeled "For
13 Veterinary Use Only" is subject to the provisions of this chapter,
14 and shall not furnish, sell or offer to sell such a substance until the
15 organization, manufacturer or wholesaler has obtained a license
16 from the Board.

17 4. Each application for such a license must be made on a form
18 furnished by the Board and an application must not be considered by
19 the Board until all the information required thereon has been
20 completed. Upon approval of the application by the Board and the
21 payment of the required fee, the Board shall issue a license to the
22 applicant. Each license must be issued to a specific person for a
23 specific location.

24 *5. The Board shall not condition, limit, restrict or otherwise*
25 *deny to a dispensing practitioner the issuance of a certificate,*
26 *license, registration, permit or authorization to dispense controlled*
27 *substances or dangerous drugs because the practitioner is located*
28 *outside this State.*

29 **Sec. 15.** NRS 639.23277 is hereby amended to read as
30 follows:

31 639.23277 1. In addition to the requirements set forth in this
32 chapter and any other specific statute, a remote site or satellite
33 consultation site must be located:

34 (a) At least 50 miles or more from the nearest pharmacy; and

35 (b) In a service area with a total population of less than 2,000.

36 2. A remote site or satellite consultation site may be operated
37 by:

38 (a) A pharmaceutical technician without the physical presence
39 of a managing pharmacist, except that the managing pharmacist of
40 the telepharmacy shall also be deemed the managing pharmacist of
41 the remote site or satellite consultation site; or

42 (b) A dispensing technician without the physical presence of a
43 dispensing practitioner, ~~[who is employed by a nonprofit entity that~~
44 ~~is designated as a federally qualified health center,]~~ except that the
45 dispensing practitioner *of the telepharmacy* shall also be deemed



1 the managing pharmacist of the remote site or satellite consultation
2 site.

3 3. The Board shall adopt regulations for the purposes of this
4 section, which establish the manner of determining a "service area."
5 Such a "service area" must be a geographical area of between 5 and
6 10 miles in radius. In adopting the regulations, the Board may
7 consider, without limitation, the ease or difficulty of access to the
8 nearest pharmacy and the availability of roadways.

9 **Sec. 16.** NRS 639.235 is hereby amended to read as follows:

10 639.235 1. No person other than a practitioner holding a
11 license to practice his or her profession in this State may prescribe
12 or write a prescription, except that a prescription written by a person
13 who is not licensed to practice in this State, but is authorized by the
14 laws of another state to prescribe, shall be deemed to be a legal
15 prescription unless the person prescribed or wrote the prescription in
16 violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

17 2. If a prescription that is prescribed by a person who is not
18 licensed to practice in this State, but is authorized by the laws of
19 another state to prescribe, calls for a controlled substance listed in:

20 (a) Schedule II, the registered pharmacist who is to fill the
21 prescription shall establish and document that the prescription is
22 authentic and that a bona fide relationship between the patient and
23 the person prescribing the controlled substance did exist when the
24 prescription was written.

25 (b) Schedule III or IV, the registered pharmacist who is to fill
26 the prescription shall establish that the prescription is authentic and
27 that a bona fide relationship between the patient and the person
28 prescribing the controlled substance did exist when the prescription
29 was written. This paragraph does not require the registered
30 pharmacist to inquire into such a relationship upon the receipt of a
31 similar prescription subsequently issued for that patient.

32 3. A pharmacist who fills a prescription described in subsection
33 2 shall record on the prescription or in the prescription record in the
34 pharmacy's computer:

35 (a) The name of the person with whom the pharmacist spoke
36 concerning the prescription;

37 (b) The date and time of the conversation; and

38 (c) The date and time the patient was ~~physically~~ examined by
39 the person prescribing the controlled substance for which the
40 prescription was issued.

41 4. For the purposes of subsection 2, a bona fide relationship
42 between the patient and the person prescribing the controlled
43 substance shall be deemed to exist if the patient was ~~physically~~
44 examined *in person, electronically, telephonically or by fiber optics*
45 *within or outside this State or the United States* by the person



1 prescribing the controlled substances within the 6 months
2 immediately preceding the date the prescription was issued.

3 **Sec. 17.** NRS 639.0072 is hereby repealed.

4 **Sec. 18.** 1. This section and sections 1 to 5, inclusive, and 7
5 to 17, inclusive, of this act become effective upon passage and
6 approval.

7 2. Section 5 of this act expires by limitation on June 30, 2014.

8 3. Section 6 of this act becomes effective on July 1, 2014.

TEXT OF REPEALED SECTION

639.0072 “Federally qualified health center” defined.
“Federally qualified health center” has the meaning ascribed to it in
42 U.S.C. § 1396d(l)(2)(B).

