Prescription Monitoring Program State Profiles - Nevada

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NEVADA

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- Status of Program – operational
- Housing Entity – Board of Pharmacy
- Advisory Commission – yes
- Funding – may charge an additional fee for dispensing controlled substances to fund the PMP
- Drugs Monitored – Schedules II – IV
- Who's Required to Report Dispensing Information – pharmacies; dispensing practitioners, including physicians, dentists, podiatrists, advanced practice nurses, scientific investigators, euthanasia technicians, physician assistants, optometrists
- Exemptions from Reporting – dispensing to inpatients of hospitals, correctional institutions, or nursing facilities
- Nonresident Pharmacies Required to Report – yes
- Veterinarians Required to Report – no
- Data Collection Interval – weekly/7 days
- Notice to Consumers – no
- Interstate Sharing – with other PMPs
- Persons Authorized to Receive Information – law enforcement and judicial/prosecutorial officials; licensing/regulatory boards; state agencies (Medicare, Medicaid, state health insurance program); patient; attorney on behalf of patient; prescribers; dispensers
- Delegates Allowed – no
- De-identified Data Provided – yes
- Unsolicited Reports – to prescribers, pharmacists, law enforcement, and licensing boards
- Training Required – yes
- Mandatory Enrollment – no
- Mandatory Access – yes; a prescriber must access the PMP before writing a Schedule II-IV controlled substance if s/he has a reasonable belief that the patient wants the prescription in whole, or in part, for a non-medical purpose and (1) the patient is a new patient, or (2) the patient has not received a controlled substance prescription from that prescriber in the preceding 12 months

West's Nevada Revised Statutes Annotated (2014)
Title 40. Public Health and Safety (Chapters 439-461A)
Chapter 453. Controlled Substances
Uniform Controlled Substances Act
Regulations

§ 453.221. Regulations; fees

1. The Board may adopt regulations and charge reasonable fees relating to the registration and control of the dispensing of controlled substances within this State.

2. The Board may charge an additional fee for dispensing controlled substances included in schedules I to V, inclusive, to cover the cost of developing and maintaining the computerized program developed pursuant to NRS 453.1545. The amount of the fee must be:

(a) Set so that the aggregate amount received from the fee does not exceed the estimated costs of developing and maintaining the program.

(b) Approved by the Legislature, if it is in regular session, or the Interim Finance Committee, if the Legislature is not in regular session.

West's Nevada Revised Statutes Annotated (2014)
Title 40. Public Health and Safety (Chapters 439-461A)
Chapter 453. Controlled Substances
Uniform Controlled Substances Act
General Provisions

§ 453.1545. Board and Division required to develop computerized program to track prescriptions for controlled substances and course of training for persons who access program; Board required to provide certain practitioners Internet access to database of program; reporting of illegal activity; agreements with state agency to receive or exchange information obtained by program; confidentiality of information obtained from program; immunity from liability for practitioner who transmits certain required information and reports; gifts, grants and donations

1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Division, the Health Division of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who elects to access the database of the program pursuant to subsection 2, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who:

(a) Elects to access the database of the program; and

(b) Completes the course of instruction described in subsection 7.

3. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

4. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

5. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

6. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

7. The Board and the Division shall cooperatively develop a course of training for persons who elect to access the database of the program pursuant to subsection 2 and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.

8. A practitioner who is authorized to write prescriptions for each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

9. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

West's Nevada Revised Statutes Annotated (2014)
Title 54. Professions, Occupations and Businesses (Chapters 622-656A)
Chapter 639. Pharmacists and Pharmacy
Prescriptions

§ 639.23507. Patient utilization report required before writing prescription for controlled substance

A practitioner shall, before writing a prescription for a controlled substance listed in schedule II, III or IV for a patient, obtain a patient utilization report regarding the patient for the preceding 12 months from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.1545 if the practitioner has a reasonable belief that the patient may be seeking the controlled substance, in whole or in part, for any reason other than the treatment of an existing medical condition and:

1. The patient is a new patient of the practitioner; or

2. The patient has not received any prescription for a controlled substance from the practitioner in the preceding 12 months.

The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

Nevada Administrative Code (2014)
Chapter 639. Pharmacists and Pharmacy
Computerized Systems
Recording of Information

NAC 639.926 Transmission of information regarding dispensing of controlled substances to certain persons. (NRS 639.070)

1. Each pharmacy that uses a computerized system to record information concerning prescriptions and that dispenses a controlled substance that is listed in schedule II, III or IV to a person who is not an inpatient of a hospital, correctional institution or nursing facility shall transmit to the Board or its agent the following information, as applicable, set forth in the 2011 ASAP Version 4.2 Standard for Prescription Monitoring Programs published by the American Society for Automation in Pharmacy. The following Segments and the accompanying Data Elements of the Implementation Guide for the 2011 ASAP Version 4.2 Standard for Prescription Monitoring Programs are hereby adopted by reference:

(a) The Segment entitled "TH Transaction Header" and the following Data Elements:

(1) Version/Release Number;

(2) Transaction Control Number;

(3) Transaction Type;

(4) Response ID;

(5) Creation Date;

(6) Creation Time;

(7) File Type; and

(8) Segment Terminator Character;

(b) The Segment entitled "IS Information Source" and the following Data Elements:

(1) Unique Information Source ID;

(2) Information Source Entity Name; and

(3) Message;

(c) The Segment entitled "PHA Pharmacy Header" and the following data elements:

(1) National Provider Identifier (NPI);
(2) DEA Number:

(3) Pharmacy or Dispensing Prescriber Name;

(4) Phone Number;

(5) Contact Name; and

(6) Chain Site ID;

(d) The Segment entitled "PAT Patient Information" and the following Data Elements:

(1) Last Name;

(2) First Name;

(3) Address Information – 1;

(4) City Address;

(5) State Address;

(6) ZIP Code Address;

(7) Phone Number;

(8) Date of Birth; and

(9) Gender Code;

(e) The Segment entitled "DSP Dispensing Record" and the following Data Elements:

(1) Reporting Status;

(2) Prescription Number;

(3) Date Written;

(4) Refills Authorized;

(5) Date Filled;

(6) Refill Number;

(7) Product ID Qualifier;

(8) Product ID;

(9) Quantity Dispensed;

(10) Days Supply;

(11) Transmission Form of Rx Origin Code;

(12) Classification Code for Payment Type; and

(13) Date Sold;

(f) The Segment entitled "PRE Prescriber Information" and the following Data Elements:

(1) National Provider Identifier (NPI);

(2) DEA Number;

(3) DEA Number Suffix;

(4) Last Name;

(5) First Name; and

(6) Phone Number;

(g) The Segment entitled "CDI Compound Drug Ingredient Detail" and the following Data Elements:

(1) Compound Drug Ingredient Sequence Number;

(2) Product ID Qualifier;

(3) Product ID;

(4) Component Ingredient Quantity; and

(5) Compound Drug Dosage Units Code;

(h) The Segment entitled "TP Pharmacy Trailer" and the Data Element Detail Segment Count; and

(i) The Segment entitled "TT Transaction Trailer" and the following Data Elements:

(1) Transaction Control Number; and

(2) Segment Count.

2. A copy of the publication may be obtained from the American Society for Automation in Pharmacy at the Internet address http://www.asapnet.org, or by telephone at (610) 825-7783, for the price of $175 for members and $770 for non-members.

3. The pharmacy shall transmit the information required pursuant to this section not later than each Wednesday for the prescriptions filled from the immediately preceding Sunday through Saturday. If a Wednesday falls on a legal holiday, then the information must be reported on the next business day that is not a legal holiday.

4. The information must be transmitted by means of a form of electronic data transmission approved by the Board, including, without limitation, a computer modem that can transmit information at the rate of 2400 baud or more.