

SECRETARY OF STATE
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For Filing Administrative Regulations

Agency: Nevada State
Board of Pharmacy

FOR EMERGENCY
REGULATIONS ONLY

Effective date 3-23-2020

Expiration date 9-23-2020


Governor's signature

Classification:

PROPOSED

ADOPTED BY AGENCY

EMERGENCY

Brief description of action:

The proposed amendment

Authority citation other than 233B: NRS 639.070

Notice Date: March 23, 2020

Date of Adoption by Agency: March 23, 2020

Hearing Date: March 23, 2020



Nevada State Board of Pharmacy

985 Damonte Ranch Parkway, Suite 206 • Reno, NV 89521
(775) 850-1440 • FAX (775) 850-1444

E-mail: dwest@pharmacy.nv.gov • Web Page: bop.nv.gov

March 23, 2020

VIA EMAIL AND HAND DELIVERY

The Honorable Steve Sisolak, Governor
101 North Carson Street – Suite 1
Carson City, NV 89701

RE: Emergency regulation on prescribing and dispensing chloroquine and hydroxychloroquine during COVID-19 pandemic

Dear Governor Sisolak:

The Nevada State Board of Pharmacy (Board) has determined that an emergency exists due to the hoarding and stockpiling of chloroquine and hydroxychloroquine during the COVID-19 pandemic and the resulting shortage of supplies of these drugs for legitimate medical purposes.

Currently, hydroxychloroquine is under investigation for use in the treatment of COVID-19. At this time, safety and efficacy have not been established.¹

The FDA has been working closely with other government agencies and academic centers that are investigating the use of the drug chloroquine, which is already approved for treating malaria, lupus and rheumatoid arthritis, to determine whether it can be used to treat patients with mild-to-moderate COVID-19 to potentially reduce the duration of symptoms, as well as viral shedding, which can help prevent the spread of disease. Studies are underway to determine the efficacy in using chloroquine to treat COVID-19.²

Therefore, pursuant to NRS 233B.0613, the Board respectfully requests an emergency regulation in Chapter 639 of the Nevada Administrative Code that restricts the prescribing and dispensing of chloroquine and hydroxychloroquine during the COVID-19 outbreak. These restrictions include prohibiting the prescribing and dispensing of chloroquine and hydroxychloroquine for a COVID-19 diagnosis or any new diagnosis made after the effective date of the regulation, and requiring an ICD-10 code and a limit to a 30-day supply for any new prescription for these drugs. The provisions of this emergency regulation do not apply to a chart order for an inpatient in an institutional setting or to an existing course of treatment for a


The Honorable Steve Sisolak, Governor
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diagnosis made before the effective date of the regulation. This emergency regulation is based upon recommendations from the Governor's COVID-19 Medical Advisory Team.

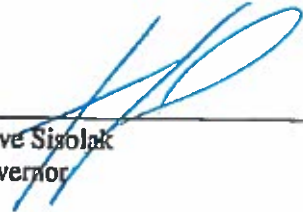
As this emergency regulation will ensure access for Nevada patients to chloroquine and hydroxychloroquine for legitimate medical purpose, your endorsement is requested. Thank you for your assistance and consideration.

Sincerely,

Endorsed:



J. David Wuest, R.Ph.
Executive Secretary
Nevada State Board of Pharmacy



Steve Sisolak
Governor

¹ Hydroxychloroquine. Post TW, ed. UpToDate. Waltham, MA: UpToDate Inc. <http://www.uptodate.com>. Accessed March 20, 2020.

² Coronavirus (COVID-19) Update: FDA Continues to Facilitate Development of Treatments. 2020, March 19. <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-continues-facilitate-development-treatments>. Accessed March 20, 2020.

**EMERGENCY REGULATION OF THE
STATE BOARD OF PHARMACY**

March 23, 2020

EXPLANATION Matter in *italics* is new; matter in brackets
~~(omitted material)~~ is material to be omitted.

Filing of an Emergency Administrative Regulation

AUTHORITY: NRS 639.070.

A REGULATION relating to pharmacy; restricting the prescribing and dispensing of chloroquine and hydroxychloroquine during the COVID-19 outbreak.

Explanation:

Existing law authorizes the State Board of Pharmacy to adopt regulations appertaining to the practice of pharmacy. (NRS 639.070). This emergency regulation prohibits the prescribing and dispensing of chloroquine and hydroxychloroquine for a COVID-19 diagnosis or any new diagnosis made after the effective date of the regulation, and requires an ICD-10 code and a limit to a 30-day supply for any prescription for these drugs. The provisions of this emergency regulation do not apply to a chart order for an inpatient in an institutional setting or to an existing course of treatment for a diagnosis made before the effective date of the regulation.

Chapter 639 of NAC is hereby amended by adding thereto the following provisions:

1. *A prescription for chloroquine or hydroxychloroquine may not be issued, filled or dispensed to an outpatient:*
 - a) *For a COVID-19 diagnosis; or*
 - b) *For any new diagnosis made after the effective date of this regulation.*
2. *A prescription for chloroquine or hydroxychloroquine issued after the effective date of this regulation:*
 - a) *Must contain a confirmed, written ICD-10 diagnosis code from the prescriber; and*
 - b) *Must be limited to no more than a 30-day supply at any time.*
3. *The provisions of this regulation do not apply:*
 - a) *To a chart order for an inpatient in an institutional setting; or*
 - b) *To an existing course of treatment for a diagnosis made before the effective date of this regulation.*