ASSEMBLY, No. 1995

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

Sponsored by:
Assemblyman HERB CONAWAY, JR.
District 7 (Burlington and Camden)
Assemblywoman CONNIE WAGNER
District 38 (Bergen)
Assemblyman LOUIS D. GREENWALD
District 6 (Camden)

SYNOPSIS

Prohibits substitution of prescribed epilepsy drugs by pharmacists without prior notification to physician and patient, and physician's prior approval.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/11/2010)

AN ACT concerning substitution of epilepsy drugs and supplementing P.L.1977, c.240 (C.24:6E-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. Notwithstanding any law to the contrary, if a prescribing physician indicates through code or description an epilepsy or seizure diagnosis, a pharmacist shall not interchange an antiepileptic drug or formulation of an antiepileptic drug, brand or generic, without providing prior notification to the patient, or the patient's parent, legal guardian or spouse, as applicable, and obtaining prior approval from the prescribing physician.

b. As used in this act:

"Antiepileptic drug" means any drug prescribed for the treatment of epilepsy or a drug used to treat or prevent seizures.

"Epilepsy" means a neurological condition characterized by recurrent seizures.

"Interchange" means the substitution of one version of the same antiepileptic therapeutic product, including a generic version for the prescribed brand, a brand version for the prescribed generic version, a generic version by one manufacturer for a generic version by a different manufacturer, a different formulation of the prescribed antiepileptic drug, or a different antiepileptic therapeutic drug product for the antiepileptic product originally prescribed.

"Seizure" means an acute clinical change secondary to a brief disturbance in the electrical activity of the brain.

2. This act shall take effect on the first day of the second month following the date of enactment.

STATEMENT

This bill prohibits a pharmacist from interchanging a brand or generic antiepileptic drug without prior notification to the patient, or the patient's parent, legal guardian or spouse, as applicable, and obtaining prior approval from the prescribing physician, if the prescribing physician indicates through code or description an epilepsy or seizure diagnosis.

The bill defines:

-- "antiepileptic drug" to mean any drug prescribed for the treatment of epilepsy or a drug used to treat or prevent seizures;

-- "epilepsy" to mean a neurological condition characterized by recurrent seizures; and

-- "interchange" to mean the substitution of one version of the same antiepileptic therapeutic product, including a generic version for the prescribed brand, a brand version for the prescribed generic

version, a generic version by one manufacturer for a generic version by a different manufacturer, a different formulation of the prescribed antiepileptic drug, or a different antiepileptic therapeutic drug product for the antiepileptic product originally prescribed.