

ASSEMBLY, No. 996

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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District 40 (Bergen, Essex, Morris and Passaic)

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District 39 (Bergen and Passaic)

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SYNOPSIS

Requires prescriptions for animals to be issued in name of animal owner; prohibits unnamed persons from possessing prescribed drugs; and requires Prescription Monitoring Program to include information about controlled substances prescribed by veterinarians.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the issuance of prescriptions by veterinarians,
2 supplementing Chapter 16 of Title 45 of the Revised Statutes,
3 and amending P.L.2007, c.244.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. Whenever a veterinarian prescribes a
9 medication for use by an animal, the veterinarian shall issue the
10 prescription in the name of the animal's owner. The veterinarian
11 shall also indicate, on the prescription blank, the name of the animal
12 that is to be administered the prescribed medication. The person
13 named on the prescription blank shall be the only person who is
14 authorized to possess the prescribed drug for the purposes of
15 administering it to the identified animal.

16 b. If an animal is jointly possessed by multiple owners, and
17 more than one of the owners wishes to engage in administration of
18 the prescribed drug to the animal, the prescribing veterinarian shall,
19 upon request, list the name of each owner on the prescription blank
20 that is issued pursuant to subsection a. of this section. In such a
21 case, the prescribed drug, in the amount and dosage listed on the
22 prescription blank, may be dispensed to any of the owners listed on
23 the prescription blank, and any of those identified owners may
24 possess the prescribed medication for the purposes of administering
25 it to the identified animal. Except in the case of authorized
26 prescription refills, nothing in this subsection shall be deemed to
27 authorize an animal owner to fill a prescription issued under this
28 section, if the prescription has already been filled by a co-owner on
29 a previous occasion.

30 c. Before issuing a prescription under this section for a
31 controlled dangerous substance, a veterinarian shall review relevant
32 prescription monitoring information obtained under the Prescription
33 Monitoring Program, as provided by section 26 of P.L.2007, c.244
34 (C.45:1-46).

35 d. As used in this section, "owner" means an individual who
36 has a right of property in an animal, or who has an animal in their
37 keeping, at the time when veterinary care is sought for the animal.
38 "Owner" includes any private citizen, such as a pet owner, animal
39 foster care parent, or private animal rescuer, who is providing a
40 temporary or permanent home for the animal at the time when
41 veterinary care is sought; or the owner, operator, or designated
42 employee of a pet shop, pound, kennel, animal shelter, animal
43 boarding facility, or animal rescue facility where an animal is being
44 temporarily housed at the time when veterinary care is sought.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 e. The State Board of Veterinary Medical Examiners shall
2 adopt rules and regulations, pursuant to the "Administrative
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be
4 necessary to effectuate the purposes of this section.

5
6 2. Section 24 of P.L.2007, c.244 (C.45:1-44) is amended to read
7 as follows:

8 24. Definitions. As used in sections 25 through 30 of P.L.2007,
9 c.244 (C.45:1-45 through C.45:1-50):

10 "CDS registration" means registration with the Division of
11 Consumer Affairs to manufacture, distribute, dispense, or conduct
12 research with controlled dangerous substances issued pursuant to
13 section 11 of P.L.1970, c.226 (C.24:21-11).

14 "Certified medical assistant" means a person who is a graduate of
15 a post-secondary medical assisting educational program accredited
16 by the American Medical Association's Committee on Allied Health
17 Education and Accreditation (CAHEA), or its successor, the
18 Accrediting Bureau of Health Education Schools (ABHES), or its
19 successor, or any accrediting agency recognized by the U.S.
20 Department of Education, which educational program includes, at a
21 minimum, 600 clock hours of instruction, and encompasses training
22 in the administration of intramuscular and subcutaneous injections,
23 as well as instruction and demonstration in: pertinent anatomy and
24 physiology appropriate to injection procedures; choice of
25 equipment; proper technique, including sterile technique; hazards
26 and complications; and emergency procedures; and who maintains
27 current certification or registration, as appropriate, from the
28 Certifying Board of the American Association of Medical
29 Assistants (AAMA), the National Center for Competency Testing
30 (NCCT), the American Medical Technologists (AMT), or any other
31 recognized certifying body approved by the Board of Medical
32 Examiners.

33 "Certified veterinary aide" means a person who has passed the
34 Veterinary Technician National Examination and is certified by the
35 New Jersey Veterinary Technicians and Assistants Association
36 (NJVTA), or its successor organization, to provide services in this
37 State as a veterinary technician; and any person who has passed the
38 Approved Veterinary Assistant Examination, developed by the
39 Approved Veterinary Assistant Committee of the National
40 Association of Veterinary Technicians of America (NAVTA), and
41 who is certified to provide services in this State as an Approved
42 Veterinary Assistant.

43 "Controlled dangerous substance" means any substance that is
44 listed in Schedules II, III, and IV of the schedules provided under
45 the "New Jersey Controlled Dangerous Substances Act," P.L.1970,
46 c.226 (C.24:21-1 et seq.). Controlled dangerous substance also
47 means any substance that is listed in Schedule V under the "New
48 Jersey Controlled Dangerous Substances Act" when the director has

1 determined that reporting Schedule V substances is required by
2 federal law, regulation, or funding eligibility.

3 "Dental resident" means a person who practices dentistry as a
4 resident pursuant to R.S.45:6-20 and, pursuant to N.J.A.C.13:30-
5 1.3, is a graduate of a dental school approved by the Commission on
6 Dental Accreditation and has passed Part I and Part II of the
7 National Board Dental examination and obtained a resident permit
8 from the New Jersey Board of Dentistry.

9 "Director" means the Director of the Division of Consumer
10 Affairs in the Department of Law and Public Safety.

11 "Division" means the Division of Consumer Affairs in the
12 Department of Law and Public Safety.

13 "Licensed health care professional" means a registered nurse,
14 licensed practical nurse, advanced practice nurse, physician
15 assistant, or dental hygienist licensed pursuant to Title 45 of the
16 Revised Statutes.

17 "Licensed pharmacist" means a pharmacist licensed pursuant to
18 P.L.2003, c.280 (C.45:14-40 et seq.).

19 "Medical resident" means a graduate physician who is authorized
20 to practice medicine and surgery by means of a valid permit issued
21 by the State Board of Medical Examiners to a person authorized to
22 engage in the practice of medicine and surgery while in the second
23 year or beyond of a graduate medical education program pursuant to
24 N.J.A.C.13:35-1.5.

25 "Mental health practitioner" means a clinical social worker,
26 marriage and family therapist, alcohol and drug counselor,
27 professional counselor, psychologist, or psychoanalyst licensed or
28 otherwise authorized to practice pursuant to Title 45 of the Revised
29 Statutes.

30 "Pharmacy permit holder" means an individual or business entity
31 that holds a permit to operate a pharmacy practice site pursuant to
32 P.L.2003, c.280 (C.45:14-40 et seq.).

33 "Practitioner" means **[an]** a physician, veterinarian, or other
34 individual who is currently licensed, registered, or otherwise
35 authorized by this State or another state to prescribe drugs in the
36 course of professional practice.

37 "Registered dental assistant" is a person who has fulfilled the
38 requirements for registration established by "The Dental Auxiliaries
39 Act," P.L.1979, c.46 (C.45:6-48 et al.) and works under the direct
40 supervision of a licensed dentist.

41 "Ultimate user" means a person who has obtained from a
42 dispenser and possesses for the person's own use, or for the use of a
43 member of the person's household or an animal owned by the
44 person or by a member of the person's household, a controlled
45 dangerous substance.

46 "Veterinary client" or "client" means an animal owner who
47 receives a prescription from a veterinarian, pursuant to section 1 of
48 P.L. , c. (C.) (pending before the Legislature as this bill),

1 for a drug that is intended for use by an animal; and who is
2 identified on the prescription blank as being authorized to fill the
3 prescription and possess the drug for the purposes of administering
4 it to the animal.

5 (cf: P.L.2015, c.74, s.2)

6

7 3. Section 25 of P.L.2007, c.244 (C.45:1-45) is amended to
8 read as follows:

9 25. Prescription Monitoring Program; requirements.

10 a. There is established the Prescription Monitoring Program in
11 the Division of Consumer Affairs in the Department of Law and
12 Public Safety. The program shall consist of an electronic system
13 for monitoring controlled dangerous substances that are dispensed
14 in or into the State by a pharmacist in an outpatient setting.

15 b. Each pharmacy permit holder shall submit, or cause to be
16 submitted, to the division, by electronic means in a format and at
17 such intervals as are specified by the director, information about
18 each prescription for a controlled dangerous substance dispensed by
19 the pharmacy that includes:

20 (1) The surname, first name, and date of birth of the patient for
21 whom the medication is intended , or, if the medication has been
22 prescribed by a veterinarian for use by an animal, the surname, first
23 name, and date of birth of the veterinary client or clients identified
24 on the prescription blank, and the name and approximate age of the
25 animal for whom the controlled dangerous substance was
26 prescribed;

27 (2) The street address and telephone number of the patient or
28 veterinary client;

29 (3) The date that the medication is dispensed;

30 (4) The number or designation identifying the prescription and
31 the National Drug Code of the drug dispensed;

32 (5) The pharmacy permit number of the dispensing pharmacy;

33 (6) The prescribing practitioner's name and Drug Enforcement
34 Administration registration number;

35 (7) The name, strength, and quantity of the drug dispensed, the
36 number of refills ordered, and whether the drug was dispensed as a
37 refill or a new prescription;

38 (8) The date that the prescription was issued by the practitioner;

39 (9) The source of payment for the drug dispensed;

40 (10) Identifying information for any individual, other than the
41 patient or veterinary client for whom the prescription was written,
42 who picks up , or attempts to pick up, a prescription, if the
43 pharmacist has a reasonable belief that the person **【**picking up the
44 prescription**】** may be seeking **【a】** the controlled dangerous
45 substance, in whole or in part, for any reason other than delivering
46 the substance to the patient or animal, as appropriate, for the
47 treatment of an existing medical condition; and

1 (11) Such other information, not inconsistent with federal law,
2 regulation, or funding eligibility requirements, as the director
3 determines necessary.

4 The pharmacy permit holder shall submit the information to the
5 division with respect to the prescriptions dispensed during the
6 reporting period not less frequently than every seven days.

7 c. The division may grant a waiver of electronic submission to
8 any pharmacy permit holder for good cause, including financial
9 hardship, as determined by the director. The waiver shall state the
10 format in which the pharmacy permit holder shall submit the
11 required information.

12 d. The requirements of this act shall not apply to: the direct
13 administration of a controlled dangerous substance to the body of
14 an ultimate user; or the administration or dispensing of a controlled
15 dangerous substance that is otherwise exempted as determined by
16 the Secretary of Health and Human Services pursuant to the
17 "National All Schedules Prescription Electronic Reporting Act of
18 2005," Pub.L.109-60.

19 e. The provisions of paragraph (10) of subsection b. of this
20 section shall not take effect until the director determines that the
21 Prescription Monitoring Program has the technical capacity to
22 accept the information required by that paragraph.

23 (cf: P.L.2015, c.74, s.3)

24

25 4. Section 26 of P.L.2007, c.244 (C.45:1-46) is amended to
26 read as follows:

27 26. Access to prescription information.

28 a. The division shall maintain procedures to ensure the privacy
29 and confidentiality of **【patients】** patient and veterinary client
30 information. To that end, the division shall ensure that any patient
31 or client information that is collected, recorded, transmitted, and
32 maintained is not disclosed, except as permitted in this section,
33 including, but not limited to, through the use of a password-
34 protected system **【for maintaining】** that maintains this information
35 and **【permitting】** permits access thereto as authorized under
36 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
37 C.45:1-50), and through the imposition of a requirement that a
38 person **【as listed】** identified in subsection h. or i. of this section
39 provide affirmation of the person's intent to comply with the
40 provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45
41 through C.45:1-50) as a condition of accessing the information.

42 b. The prescription monitoring information submitted to the
43 division shall be confidential, and shall not be subject to public
44 disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.)**【,】** or P.L.2001,
45 c.404 (C.47:1A-5 et al.).

46 c. The division shall review the prescription monitoring
47 information provided by a pharmacy permit holder pursuant to

1 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
2 C.45:1-50). The review shall include, but not be limited to:

3 (1) a review to identify whether any person is obtaining a
4 prescription in a manner that may be indicative of misuse, abuse, or
5 diversion of a controlled dangerous substance. The director shall
6 establish guidelines regarding the terms "misuse," "abuse," and
7 "diversion" for the purposes of this review. When an evaluation of
8 the information indicates that a person may be obtaining a
9 prescription for the same or a similar controlled dangerous
10 substance from multiple practitioners or pharmacists during the
11 same time period, the division may provide prescription monitoring
12 information about the person to practitioners and pharmacists; and

13 (2) a review to identify whether a violation of law or regulation
14 or a breach of the applicable standards of practice by any person
15 may have occurred, including, but not limited to, diversion of a
16 controlled dangerous substance. If the division determines that
17 such a violation or breach may have occurred, the division shall
18 notify the appropriate law enforcement agency or professional
19 licensing board, and provide the prescription monitoring
20 information required for an investigation.

21 d. (Deleted by amendment, P.L.2015, c.74)

22 e. (Deleted by amendment, P.L.2015, c.74)

23 f. (Deleted by amendment, P.L.2015, c.74)

24 g. (Deleted by amendment, P.L.2015, c.74)

25 h. (1) The division shall register a practitioner to access
26 prescription monitoring information upon issuance or renewal of the
27 practitioner's CDS registration.

28 (2) The division shall provide to a pharmacist who is employed
29 by a current pharmacy permit holder online access to prescription
30 monitoring information for the purpose of providing health care to a
31 current patient , providing veterinary care or treatment to an animal,
32 or verifying information with respect to a patient , veterinary client,
33 or **[a]** prescriber.

34 (3) The division shall provide to a practitioner who has a current
35 CDS registration online access to prescription monitoring
36 information for the purpose of providing health care to a current
37 patient, providing veterinary care or treatment to an animal, or
38 verifying information with respect to a patient , veterinary client, or
39 **[a]** prescriber. The division shall also grant online access to
40 prescription monitoring information to as many licensed health care
41 professionals or certified veterinary aides, as appropriate, as are
42 authorized by a practitioner to access that information and for
43 whom the practitioner is responsible for the use or misuse of that
44 information, subject to a limit on the number of such **[health care]**
45 professionals or aides as may be deemed appropriate by the division
46 for that particular type and size of professional practice, in order to
47 minimize the burden to practitioners , to the extent practicable,
48 while protecting the confidentiality of the prescription monitoring

1 information obtained. The director shall establish, by regulation,
2 the terms and conditions under which a practitioner may delegate
3 that authorization, including procedures for authorization and
4 termination of authorization, provisions for maintaining
5 confidentiality, and such other matters as the division may deem
6 appropriate.

7 (4) The division shall provide online access to prescription
8 monitoring information to as many medical or dental residents as
9 are authorized by a faculty member of a medical or dental teaching
10 facility to access that information and for whom the practitioner is
11 responsible for the use or misuse of that information. The director
12 shall establish, by regulation, the terms and conditions under which
13 a faculty member of a medical or dental teaching facility may
14 delegate that authorization, including procedures for authorization
15 and termination of authorization, provisions for maintaining
16 confidentiality, provisions regarding the duration of a medical or
17 dental resident's authorization to access prescription monitoring
18 information, and such other matters as the division may deem
19 appropriate.

20 (5) The division shall provide online access to prescription
21 monitoring information to as many certified medical assistants as
22 are authorized by a practitioner to access that information and for
23 whom the practitioner is responsible for the use or misuse of that
24 information. The director shall establish, by regulation, the terms
25 and conditions under which a practitioner may delegate that
26 authorization, including procedures for authorization and
27 termination of authorization, provisions for maintaining
28 confidentiality, provisions regarding the duration of a certified
29 medical assistant's authorization to access prescription monitoring
30 information, and such other matters as the division may deem
31 appropriate.

32 (6) The division shall provide online access to prescription
33 monitoring information to as many registered dental assistants as
34 are authorized by a licensed dentist to access that information and
35 for whom the licensed dentist is responsible for the use or misuse of
36 that information. The director shall establish, by regulation, the
37 terms and conditions under which a licensed dentist may delegate
38 that authorization, including procedures for authorization and
39 termination of authorization, provisions for maintaining
40 confidentiality, provisions regarding the duration of a registered
41 dental assistant's authorization to access prescription monitoring
42 information, and such other matters as the division may deem
43 appropriate.

44 (7) A person listed in this subsection, as a condition of
45 accessing prescription monitoring information pursuant thereto,
46 shall certify that the request is for the purpose of providing health
47 care to a current patient, providing veterinary care or treatment to
48 an animal, or verifying information with respect to a patient,

1 veterinary client, or practitioner. Such certification shall be
2 furnished through means of an online statement or alternate means
3 authorized by the director, in a form and manner prescribed by rule
4 or regulation adopted by the director.

5 i. The division may provide online access to prescription
6 monitoring information, or may provide access to prescription
7 monitoring information through any other means deemed
8 appropriate by the director, to the following persons:

9 (1) authorized personnel of the division or a vendor or
10 contractor responsible for maintaining the Prescription Monitoring
11 Program;

12 (2) authorized personnel of the division responsible for
13 administration of the provisions of P.L.1970, c.226 (C.24:21-1 et
14 seq.);

15 (3) the State Medical Examiner, a county medical examiner, a
16 deputy or assistant county medical examiner, or a qualified
17 designated assistant thereof, who certifies that the request is for the
18 purpose of investigating a death pursuant to P.L.1967, c.234
19 (C.52:17B-78 et seq.);

20 (4) a controlled dangerous substance monitoring program in
21 another state with which the division has established an
22 interoperability agreement, or which participates with the division
23 in a system that facilitates the secure sharing of information
24 between states;

25 (5) a designated representative of the State Board of Medical
26 Examiners, New Jersey State Board of Dentistry, State Board of
27 Nursing, New Jersey State Board of Optometrists, State Board of
28 Pharmacy, State Board of Veterinary Medical Examiners, or any
29 other board in this State or another state that regulates the practice
30 of persons who are authorized to prescribe or dispense controlled
31 dangerous substances, as applicable, who certifies that the
32 representative is engaged in a bona fide specific investigation of a
33 designated practitioner or pharmacist whose professional practice
34 was or is regulated by that board;

35 (6) a State, federal, or municipal law enforcement officer who is
36 acting pursuant to a court order and certifies that the officer is
37 engaged in a bona fide specific investigation of a designated
38 practitioner, pharmacist, **[or]** patient, or veterinary client. A law
39 enforcement agency that obtains prescription monitoring
40 information shall comply with security protocols established by the
41 director by regulation;

42 (7) a designated representative of a state Medicaid or other
43 program who certifies that the representative is engaged in a bona
44 fide investigation of a designated practitioner, pharmacist, **[or]**
45 patient, or veterinary client;

46 (8) a properly convened grand jury pursuant to a subpoena
47 properly issued for the records; and

1 (9) a licensed mental health practitioner providing treatment for
2 substance abuse to patients at a residential or outpatient substance
3 abuse treatment center licensed by the Division of Mental Health
4 and Addiction Services in the Department of Human Services, who
5 certifies that the request is for the purpose of providing health care
6 to a current patient or verifying information with respect to a patient
7 or practitioner, and who furnishes the division with the written
8 consent of the patient for the mental health practitioner to obtain
9 prescription monitoring information about the patient. The director
10 shall establish, by regulation, the terms and conditions under which
11 a mental health practitioner may request and receive prescription
12 monitoring information. Nothing in sections 25 through 30 of
13 P.L.2007, c.244 (C.45:1-45 through C.45:1-50) shall be construed
14 to require or obligate a mental health practitioner to access or check
15 the prescription monitoring information in the course of treatment
16 beyond that which may be required as part of the mental health
17 practitioner's professional practice.

18 j. A person listed in subsection i. of this section, as a condition
19 of obtaining prescription monitoring information pursuant thereto,
20 shall certify the reasons for seeking to obtain that information.
21 Such certification shall be furnished through means of an online
22 statement or alternate means authorized by the director, in a form
23 and manner prescribed by rule or regulation adopted by the director.

24 k. The division shall offer an online tutorial for those persons
25 listed in subsections h. and i. of this section, which shall, at a
26 minimum, include: how to access prescription monitoring
27 information; the rights of persons who are the subject of this
28 information; the responsibilities of persons who access this
29 information; a summary of the other provisions of sections 25
30 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) and
31 the regulations adopted pursuant thereto, regarding the permitted
32 uses of that information and penalties for violations thereof; and a
33 summary of the requirements of the federal health privacy rule set
34 forth at 45 CFR Parts 160 and 164 and a hypertext link to the
35 federal Department of Health and Human Services website for
36 further information about the specific provisions of the privacy rule.

37 l. The division may request and receive prescription
38 monitoring information from prescription monitoring programs in
39 other states and may use that information for the purposes of
40 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
41 C.45:1-50). When sharing data with programs in another state, the
42 division shall not be required to obtain a memorandum of
43 understanding unless required by the other state.

44 m. The director may provide nonidentifying prescription drug
45 monitoring information to public or private entities for statistical,
46 research, or educational purposes, in accordance with the provisions
47 of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
48 C.45:1-50).

1 n. Nothing shall be construed to prohibit the division from
2 obtaining unsolicited automated reports from the program or
3 disseminating such reports to pharmacists, practitioners, mental
4 health care practitioners, and other licensed health care
5 professionals or certified veterinary aides.

6 o. (1) A current patient or veterinary client of a practitioner
7 may request from that practitioner that patient's or client's own
8 prescription monitoring information that has been submitted to the
9 division pursuant to sections 25 through 30 of P.L.2007, c.244
10 (C.45:1-45 through C.45:1-50). A parent or legal guardian of a
11 child who is a current patient of a practitioner may request from that
12 practitioner the child's prescription monitoring information that has
13 been submitted to the division pursuant to sections 25 through 30 of
14 P.L.2007, c.244 (C.45:1-45 through C.45:1-50).

15 (2) Upon receipt of a request pursuant to paragraph (1) of this
16 subsection, **[a]** the practitioner, or a health care professional or
17 certified veterinary aide authorized by that practitioner, may
18 provide the current patient, veterinary client, or parent or legal
19 guardian, as the case may be, with access to or a copy of the
20 prescription monitoring information pertaining to that patient,
21 veterinary client, or child.

22 (3) The division shall establish a process by which a patient or
23 veterinary client, or the parent or legal guardian of a child who is a
24 patient, may request a pharmacy permit holder that submitted
25 prescription monitoring information concerning a prescription for
26 controlled dangerous substances for that patient, client, or child **[to**
27 **the division]**, pursuant to sections 25 through 30 of P.L.2007, c.244
28 (C.45:1-45 through C.45:1-50), to correct information that the
29 person believes **[to have been]** was inaccurately entered into that
30 patient's, client's, or child's prescription profile. Upon confirmation
31 of the inaccuracy of any such entry into a patient's, veterinary
32 client's, or child's prescription profile, the pharmacy permit holder
33 shall be authorized to correct any such inaccuracies by submitting
34 corrected information to the division pursuant to sections 25
35 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). The
36 process developed under this subsection shall provide for the
37 review, by the Board of Pharmacy, of any disputed request for
38 correction **[, which]**. Any determination, which is made by the
39 board following such review, shall be appealable to the director.

40 p. The division shall take steps to ensure that appropriate
41 channels of communication exist to enable any licensed health care
42 professional, licensed pharmacist, mental health practitioner,
43 pharmacy permit holder, certified veterinary aide, or other
44 practitioner who has online access to the Prescription Monitoring
45 Program pursuant to this section to seek or provide information to
46 the division related to the provisions of this section.

47 (cf: P.L2015, c.74, s.4)

1 5. This act shall take effect on the 90th day next following the
2 date of enactment, except that the State Board of Veterinary
3 Medical Examiners shall take anticipatory administrative action in
4 advance thereof as may be necessary for the implementation of
5 section 1 of this act, and the Director of the Division of Consumer
6 Affairs shall take anticipatory administrative action in advance
7 thereof as may be necessary for the implementation of sections 2
8 through 4 of this act.

9
10
11 STATEMENT
12

13 This bill would impose certain requirements to better ensure that
14 prescription drugs issued by a veterinarian, for the treatment of an
15 animal, are not misused, abused, or subject to diversion by the
16 humans who have control over those drugs.

17 The bill would amend the State's veterinarian practice laws to
18 specify that, whenever a veterinarian prescribes a medication for
19 use by an animal: (1) the prescription is to be issued in the name of
20 the animal owner; and (2) the prescription blank must identify both
21 the name of the animal owner and the name of the animal that is to
22 be administered the prescribed medication. Only the person who is
23 named on the prescription blank will be authorized to possess the
24 drug for the purposes of administering it to the identified animal.

25 In the event that an animal is jointly owned by multiple owners,
26 and more than one of the owners wishes to engage in administration
27 of the drug to the animal, the bill would require the prescribing
28 veterinarian, upon request, to list the names of each such owner on
29 the prescription blank. In such a case, the bill would authorize the
30 dispensation of the drug to any of the owners listed on the
31 prescription blank, and it would further authorize any of those
32 identified owners to possess the drugs for the purposes of
33 administering it to the animal. Except in the case of authorized
34 prescription refills, nothing in the bill's provisions would authorize
35 an animal owner to fill a prescription, if the prescription has already
36 been filled by a co-owner on a previous occasion.

37 "Owner" is defined by the bill, in a manner consistent with the
38 State's animal laws, to mean an individual who has a right of
39 property in an animal, or who has an animal in their keeping, at the
40 time when veterinary care is sought for the animal. The term
41 includes any private citizen, such as a pet owner, animal foster care
42 parent, or private animal rescuer, who is providing a temporary or
43 permanent home for the animal at the time when veterinary care is
44 sought; or the owner, operator, or designated employee of a pet
45 shop, pound, kennel, animal shelter, animal boarding facility, or
46 animal rescue facility where the animal is being temporarily housed
47 at the time when veterinary care is sought.

1 The bill would require a veterinarian to review relevant
2 prescription monitoring information under the State's Prescription
3 Monitoring Program (PMP) before prescribing any controlled
4 dangerous substance for use in the treatment of an animal. The bill
5 would amend the State's PMP law to expressly clarify that
6 veterinarians are authorized to access PMP information for the
7 purposes of providing care or treatment to an animal, and for the
8 purposes of verifying information related to a veterinary client. The
9 bill would also expressly authorize a veterinarian to provide any
10 certified veterinary aides employed thereby with delegated authority
11 to access PMP information for these purposes. "Certified
12 veterinary aide" is defined to include certified veterinary
13 technicians and Approved Veterinary Assistants.

14 Whenever a veterinarian prescribes a controlled dangerous
15 substance for use by an animal, the pharmacy permit holder
16 dispensing the prescription drug will be required under the bill to
17 submit certain information about the veterinary client (i.e., the
18 animal owner) to the Prescription Monitoring Program. In
19 particular, the pharmacy permit holder is required to submit the
20 surname, first name, date of birth, street address, and telephone
21 number of the veterinary client/animal owner identified on the
22 prescription blank, as well as the name and approximate age of the
23 animal for whom the controlled dangerous substance was
24 prescribed. The pharmacy permit holder is also required to submit
25 identifying information about any other individual who attempts to
26 pick up an animal's prescription, if the pharmacist has a reasonable
27 belief that that person may be seeking the drug for any reason other
28 than delivering the substance to the animal for the treatment of an
29 existing medical condition.

30 The bill further amends the PMP law to authorize: (1) a
31 veterinary client to request the client's own prescription monitoring
32 information from a veterinarian; (2) a veterinarian, or a certified
33 veterinary aide employed thereby, to provide such requested
34 information to the client; and (3) a veterinary client to ask a
35 pharmacy permit holder to correct any information that was
36 inaccurately entered into the system.

37 The bill would also amend the PMP law to authorize the division
38 to allow a law enforcement officer or an authorized representative
39 of a state program to access PMP information when engaged in a
40 bona fide investigation of a veterinary client.

41 Finally, the bill would make minor technical corrections to the
42 PMP law.