

ASSEMBLY, No. 5837

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 3, 2021

Sponsored by:

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District 37 (Bergen)

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District 33 (Hudson)

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District 31 (Hudson)

SYNOPSIS

Permits use of automated dispensing devices in long-term care facilities and hospice care programs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/3/2022)

1 AN ACT concerning automated dispensing devices and
2 supplementing Title 45 of the Revised Statutes.

3

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

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7 1. As used in this act:

8 “Automated dispensing device” means a mechanical automated
9 medication system used in long-term care facilities or hospice care
10 programs that stores prescribed medications and dispenses those
11 medications for the sole use of the residents in a long-term care or
12 hospice care program.

13 “Automated medication system” means the same as that term is
14 defined in section 2 of P.L.2003, c.280 (C.45:14-41).

15 “Board” means the New Jersey State Board of Pharmacy.

16 “Emergency drug kit” means a select supply of commonly
17 dispensed medications located in a licensed long-term care or
18 hospice care program for the immediate administration to a patient
19 or resident upon the order of a licensed healthcare practitioner to
20 meet the immediate therapeutic needs of a patient or resident when
21 the required medications cannot be obtained from other sources
22 within sufficient time to prevent the risk of harm to the patient by a
23 delay.

24 “Hospice care program” means the same as that term is defined
25 in section 1 of P.L.1997, c.78 (C.26:2H-79)

26 “Institutional pharmacy” means the area in a health care facility
27 or a health care system licensed by the board as a pharmacy that
28 maintains an institutional permit, including any areas of the health
29 care facility or the health care system where pharmaceuticals are
30 stored, compounded, or dispensed, and any areas within the health
31 care facility or the health care system serviced by an outside vendor
32 that performs on-site pharmaceutical services.

33 “Long-term care facility” means a nursing home, assisted living
34 residence, comprehensive personal care home, residential health
35 care facility, or dementia care home licensed pursuant to P.L.1971,
36 c.136 (C.26:2H-1 et seq.).

37 “Pharmacist-in-charge” means the same as that term is defined in
38 section 2 of P.L.2003, c.280 (C.45:14-41).

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40 2. a. An institutional pharmacy for a long-term care facility or
41 hospice care program may utilize an automated dispensing device
42 for routine medication dispensing and storage.

43 b. The automated dispensing device shall remain the property of
44 the pharmacy. The pharmacy shall maintain all controls and record
45 keeping as required by all laws, rules, and regulations of the State
46 and federal government.

47 c. The pharmacy shall obtain a machine-specific federal Drug
48 Enforcement Administration registration number for each

1 automated dispensing device it maintains, unless the device is
2 exclusively stocked for the dispensing of emergency drug kits for
3 emergency administration.

4 d. The pharmacy shall obtain a license from the New Jersey
5 State Board of Pharmacy for each specific model of automated
6 dispensing device it maintains. The pharmacy shall provide notice
7 to the board if multiple automated dispensing devices of the same
8 model, for which a license has already been granted to the
9 pharmacy, are installed in a long-term care facility or hospice care
10 program. The board shall retain its rights to regulate, inspect, and
11 audit the pharmacy and any automated dispensing device, pursuant
12 to subsection a. of section 9 of P.L.2003, c.280 (C.45:14-48).

13
14 3. a. Access to an automated dispensing device shall be
15 restricted to authorized licensed personnel designated by the
16 pharmacist-in-charge. A list of such authorized personnel shall be
17 maintained at all times within the pharmacy system and shall be
18 reviewed and updated periodically.

19 b. All medications, including controlled substances, shall only
20 be dispensed from an automated dispensing device pursuant to a
21 valid, patient-specific prescription or order.

22 c. The prepackaged cartridges or containers may be sent to a
23 remote site to be loaded into an automated dispensing device by
24 personnel designated by the pharmacist-in-charge provided:

25 (1) the individual cartridges or containers are transported to
26 remote sites in a secure, tamper-evident container; and

27 (2) the automated pharmacy system uses bar-coding, microchip,
28 or other technologies to ensure that the containers are accurately
29 loaded in the automated pharmacy system.

30 d. Any loss of medication shall be reported in accordance with
31 the requirements of the New Jersey State Board of Pharmacy.

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33 4. The New Jersey State Board of Pharmacy, pursuant to the
34 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
35 seq.) shall promulgate rules and regulations to effectuate the
36 provisions of this act.

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38 5. This act shall take effect immediately.
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41 STATEMENT

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43 This bill permits the use of automated dispensing devices in
44 long-term care facilities and hospice care programs. The bill
45 defines an “automated dispensing device” as a mechanical
46 automated medication system used in long-term care facilities or
47 hospice care programs that stores prescribed medications and
48 dispenses those medications for the sole use of the residents in a

1 long-term care or hospice care program. The bill authorizes an
2 institutional pharmacy of a long-term care facility or hospice care
3 program to utilize an automated dispensing device for routine
4 medication dispensing and storage. The automated dispensing
5 device will remain the property of the pharmacy. The pharmacy is
6 required to maintain all controls and record keeping as required by
7 all law, rules, and regulations of the State and federal government.

8 The bill requires the institutional pharmacy of a long-term care
9 facility or hospice care program to obtain a machine-specific federal
10 Drug Enforcement Administration registration number for each
11 automated dispensing device it maintains, unless the device is
12 exclusively stocked for the dispensing of emergency drug kits for
13 emergency administration. The bill also requires the pharmacy to
14 obtain a license from the New Jersey State Board of Pharmacy for
15 each specific model of automated dispensing device it maintains.
16 The pharmacy is required to provide notice to the board if multiple
17 automated dispensing devices of the same model, for which a
18 license has already been granted to the pharmacy, are installed in a
19 long-term care facility or hospice care program. The board will
20 retain its rights to regulate, inspect, and audit the pharmacy and any
21 automated dispensing device.

22 The bill restricts access to an automated dispensing device to
23 authorized licensed personnel designated by the pharmacist-in-
24 charge. A list of such authorized personnel will be maintained at all
25 times within the pharmacy system and will be reviewed and updated
26 periodically. All medications, including controlled substances, will
27 only be dispensed from an automated dispensing device pursuant to
28 a valid, patient-specific prescription or order. Prepackaged
29 cartridges or containers may be sent to a remote site to be loaded
30 into an automated dispensing device by personnel designated by the
31 pharmacist-in-charge provided:

32 (1) the individual cartridges or containers are transported to
33 remote sites in a secure, tamper-evident container; and

34 (2) the automated pharmacy system uses bar-coding, microchip,
35 or other technologies to ensure that the containers are accurately
36 loaded in the automated pharmacy system.

37 The bill requires that any loss of medication will be reported in
38 accordance with the requirements of the New Jersey State Board of
39 Pharmacy.