[First Reprint]

ASSEMBLY, No. 5837

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 3, 2021

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Aging and Senior Services Committee on January 3, 2022, with amendments.

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

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

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

1. As used in this act:

"Automated dispensing device" means a mechanical automated medication system used in ¹a¹ long-term care ¹**[**facilities**]** facility¹ or ¹a¹ hospice care ¹**[**programs**]** program¹ that stores prescribed medications and dispenses those medications for the sole use of the residents ¹**[**in a**]** of the¹ long-term care ¹facility¹ or ¹patients in the¹ hospice care program ¹, as applicable¹ .

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

"Board" means the New Jersey State Board of Pharmacy.

"Emergency drug kit" means a select supply of commonly dispensed medications located in a licensed long-term care ¹facility¹ or ¹a¹ hospice care program for the immediate administration to a patient or resident upon the order of a licensed healthcare practitioner to meet the immediate therapeutic needs of a patient or resident when the required medications cannot be obtained from other sources within sufficient time to prevent the risk of harm to the patient by a delay.

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

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

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

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

2. a. An institutional pharmacy for a long-term care facility or ¹a¹ hospice care program may utilize an automated dispensing device for routine medication dispensing and storage.

b. The automated dispensing device shall remain the property

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.
Matter enclosed in superscript numerals has been adopted as follows:
¹Assembly ASE committee amendments adopted January 3, 2022.

of the pharmacy. The pharmacy shall maintain all controls and record keeping as ¹is¹ required ¹[by all laws, rules, and regulations of the] under¹ State and federal ¹[government] law¹ .

c. The pharmacy shall obtain a machine-specific federal Drug Enforcement Administration registration number for each automated dispensing device it maintains, unless the device is exclusively stocked for the dispensing of emergency drug kits for emergency administration.

d. The pharmacy shall obtain a license from the ¹[New Jersey State Board of Pharmacy] board¹ for each specific model of automated dispensing device it maintains. The pharmacy shall provide notice to the board if multiple automated dispensing devices of the same model, for which a license has already been granted to the pharmacy, are installed in a long-term care facility or hospice care program. The board shall retain its rights to regulate, inspect, and audit the pharmacy and any automated dispensing device, pursuant to subsection a. of section 9 of P.L.2003, c.280 (C.45:14-48).

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

b. ¹[All medications, including controlled substances, shall only] No medication, including a controlled dangerous substance, may¹ be dispensed from an automated dispensing device ¹[pursuant to] without¹ a valid, patient-specific prescription or order ¹for the medication¹ .

c. ¹[The prepackaged] Prepackaged¹ cartridges ¹[or] and¹ containers may be sent to a remote site to be loaded into an automated dispensing device by personnel designated by the pharmacist-in-charge ¹,¹ provided:

(1) the individual cartridges or containers are transported to ¹the¹ remote ¹[sites] site¹ in a secure, tamper-evident container; and

(2) the automated pharmacy system uses bar-coding, ¹[microchip] microchips¹ , or other technologies to ensure that the ¹cartridges or¹ containers are accurately loaded in the automated pharmacy system.

d. Any loss of medication ¹from or in connection with an automated dispensing device¹ shall be reported in accordance with the requirements of the ¹[New Jersey State Board of Pharmacy] board¹ .

4. The New Jersey State Board of Pharmacy, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

seq.) shall promulgate rules and regulations to effectuate the provisions of this act.

5. This act shall take effect immediately.