

[First Reprint]

SENATE, No. 3833

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on November 8, 2021, with amendments.



(Sponsorship Updated As Of: 11/8/2021)

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:

6
7 1. As used in this act:

8 “Automated dispensing device” means a mechanical automated
9 medication system used in ¹a¹ long-term care ~~‘[facilities]’~~ ¹facility¹ or
10 ¹a¹ hospice care ~~‘[programs]’~~ ¹program¹ that stores prescribed
11 medications and dispenses those medications for the sole use of the
12 residents ~~‘[in a] of the’~~ ¹long-term care ‘facility’¹ or ¹‘patients in the’¹
13 hospice care program ¹, as applicable¹ .

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

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

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

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

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

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

39

40 2. a. An institutional pharmacy for a long-term care facility or
41 ¹a¹ 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

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:

¹Senate SHH committee amendments adopted November 8, 2021.

1 keeping as ¹is¹ required ¹~~by all laws, rules, and regulations of the~~
2 under¹ State and federal ¹~~government~~¹ law¹ .

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

8 d. The pharmacy shall obtain a license from the ¹~~New Jersey~~
9 State Board of Pharmacy¹ board¹ for each specific model of
10 automated dispensing device it maintains. The pharmacy shall provide
11 notice to the board if multiple automated dispensing devices of the
12 same model, for which a license has already been granted to the
13 pharmacy, are installed in a long-term care facility or hospice care
14 program. The board shall retain its rights to regulate, inspect, and
15 audit the pharmacy and any automated dispensing device, pursuant to
16 subsection a. of section 9 of P.L.2003, c.280 (C.45:14-48).

17

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

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

28 c. ¹~~The prepackaged~~¹ Prepackaged¹ cartridges ¹~~or~~¹ and¹
29 containers may be sent to a remote site to be loaded into an automated
30 dispensing device by personnel designated by the pharmacist-in-
31 charge ¹~~;~~¹ provided:

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

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

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

41

42 4. The New Jersey State Board of Pharmacy, pursuant to the
43 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
44 1 et seq.) shall promulgate rules and regulations to effectuate the
45 provisions of this act.

46

47 5. This act shall take effect immediately.