

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2188

STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Assembly Health Committee reports favorably Assembly Bill No. 2188.

This bill provides that the requirement in R.S.45:14-14, that a prescription for any narcotic drug be given or transmitted to pharmacists in writing signed by the prescriber, shall not apply to prescriptions for Schedule II drugs written for long-term care facility residents and hospice patients if those prescriptions are transmitted or prepared in compliance with federal Drug Enforcement Administration (DEA) regulations at 21 C.F.R.1306.11(d), (e), (f) and (g).

Federal DEA regulations at 21 C.F.R.1306.11(d) allow a pharmacist to dispense a Schedule II narcotic in an emergency situation upon receiving oral authorization from an authorized prescriber if the quantity prescribed is limited to the amount adequate to treat the patient during the emergency period, and if the prescriber delivers a written prescription for the drugs to the dispensing pharmacist within seven days. The regulations require that the pharmacist notify the nearest DEA office if the prescriber fails to deliver a written prescription to him within the seven-day period; failure by the pharmacist to do so shall void the authority to dispense without a written prescription by a prescriber.

Federal DEA regulations at 21 C.F.R.1306.11 (e), (f) and (g) permit the transmittance of a prescription for a Schedule II drug to be made by facsimile if the drug will be directly administered to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion, or if the patient is a resident in a long-term care facility or a hospice.

By allowing a prescriber to submit a Schedule II drug prescription by facsimile, the provisions of this bill will help ensure that long-term care facility residents and hospice patients receive the pain medications they need, when they need them, without having to wait until an authorized prescriber is present at the facility to write such a prescription or sends a written prescription on a New Jersey Prescription Blank to the dispensing pharmacist, as is currently required by law.