

SENATE, No. 1214

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 22, 1998

Sponsored by:
Senator JACK SINAGRA
District 18 (Middlesex)

SYNOPSIS

Allows dispensing of Schedule II drugs for long-term care facility and hospice residents with prescription sent by facsimile.

CURRENT VERSION OF TEXT

As introduced.



S1214 SINAGRA

2

1 AN ACT concerning the prescribing of controlled dangerous
2 substances and amending R.S.45:14-14.

3

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

6

7 1. R.S.45:14-14 is amended to read as follows:

8 45:14-14. The term "prescription" as used in R.S.45:14-13, and
9 R.S.45:14-15 to R.S.45:14-17 means an order for drugs or medicines
10 or combinations or mixtures thereof, written or signed by a duly
11 licensed physician, dentist, optometrist, veterinarian, other medical
12 practitioner, a certified nurse midwife, a nurse practitioner/clinical
13 nurse specialist or a physician assistant, licensed or approved to write
14 prescriptions intended for the treatment or prevention of disease in
15 man or animals, and includes orders for drugs or medicines or
16 combinations or mixtures thereof, on a New Jersey Prescription Blank
17 obtained from a vendor approved by the Division of Consumer Affairs
18 in the Department of Law and Public Safety pursuant to section 6 of
19 P.L.1996, c.154.(C.45:14-14.6), transmitted to pharmacists through
20 word of mouth, telephone, telegraph or other means of communication
21 by a duly licensed physician, dentist, optometrist, veterinarian, other
22 medical practitioner, a certified nurse midwife, a nurse
23 practitioner/clinical nurse specialist or a physician assistant, licensed
24 or approved to write prescriptions intended for the treatment or
25 prevention of disease in man or animals, and such prescriptions
26 received by word of mouth, telephone, telegraph or other means of
27 communication shall be recorded in writing by the pharmacist and the
28 record so made by the pharmacist shall constitute the original
29 prescription to be filed by the pharmacist as provided for in
30 R.S.45:14-15, but no prescription, for any narcotic drug, except as
31 provided in section 15 of P.L.1970, c.226 (C.24:21-15), shall be given
32 or transmitted to pharmacists, in any other manner, than in writing
33 signed by the physician, dentist, veterinarian, other medical
34 practitioner, certified nurse midwife, nurse practitioner/clinical nurse
35 specialist or a physician assistant, giving or transmitting the same, nor
36 shall such prescription be renewed or refilled. The requirement in this
37 section that a prescription for any narcotic drug be given or
38 transmitted to pharmacists in writing signed by the prescriber, shall not
39 apply to a prescription for a Schedule II drug written for a long-term
40 care facility resident or hospice patient if that prescription is
41 transmitted or prepared in compliance with federal Drug Enforcement
42 Administration regulations 21 C.F.R.1306.11(d), (e), (f) and (g).
43 (cf: P.L.1996, c.154, s.8)

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 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

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

13 Federal DEA regulations 21 C.F.R.1306.11(d) allow a pharmacist
14 to dispense a Schedule II narcotic in an emergency situation upon
15 receiving oral authorization from an authorized prescriber if the
16 quantity prescribed is limited to the amount adequate to treat the
17 patient during the emergency period, and if the prescriber delivers a
18 written prescription for the drugs to the dispensing pharmacist within
19 seven days. The regulations require that the pharmacist notify the
20 nearest DEA office if the prescriber fails to deliver a written
21 prescription to him within the seven-day period; failure by the
22 pharmacist to do so shall void the authority to dispense without a
23 written prescription by a prescriber. Federal DEA regulations
24 21 C.F.R.1306.11 (e), (f) and (g) permit the transmittance of a
25 prescription for a Schedule II drug to be made by facsimile if the drug
26 will be directly administered to a patient by parenteral, intravenous,
27 intramuscular, subcutaneous or intraspinal infusion, or if the patient is
28 a resident in a long-term care facility or a hospice.

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