

**RULE ADOPTIONS**

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF PHARMACY**

**N.J.A.C. 13:39-4.19 and 4.20**

**Notice of Administrative Corrections**

**Pharmacy Permit Requirements**

**Procedures for Centralized Prescription Handling; Out-of-State Pharmacy  
Registration**

**Take notice** that the Board of Pharmacy discovered errors in the text of N.J.A.C. 13:39-4.19 and 4.20. Effective on June 21, 2010, the Board of Pharmacy (Board) readopted with amendments, new rules, repeals, and recodifications, N.J.A.C. 13:39, Board of Pharmacy Rules. (See 42 N.J.R. 132(a) and 1221(a).) As part of the amendments and recodifications, the Board proposed to recodify N.J.A.C. 13:39-4.18 as N.J.A.C. 13:39-4.19 with amendments, but with no change to paragraph (d)2, and to recodify N.J.A.C. 13:39-4.19 as N.J.A.C. 13:39-4.20 with amendments, but with no change to subsections (a), (e), or (j). N.J.A.C. 13:39-4.19(d)2 and 4.20(a), (e), and (j) all contained cross-references that the Board should have proposed to update based on the other proposed recodifications. Specifically, recodified N.J.A.C. 13:39-4.19(d)2 contained a cross-reference to N.J.A.C. 13:39-4.19. N.J.A.C. 13:39-4.19 was recodified as N.J.A.C. 13:39-4.20 as part of this rulemaking, but the cross-reference at N.J.A.C. 13:39-4.19(d)2 was not updated. Further, recodified N.J.A.C. 13:39-4.20(a), (e), and (j) contained a cross-reference to N.J.A.C. 13:39-4.18. N.J.A.C. 13:39-4.18 was recodified as N.J.A.C. 13:39-4.19 as part of this rulemaking as well, but the cross-references at N.J.A.C. 13:39-4.20(a), (e), and (j) were not updated. All of these corrections allow the Board's rules to cross-reference the same text as prior to the recodifications. This notice of administrative corrections is published pursuant to N.J.A.C. 1:30-2.7.

**Full text** of the corrected rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:39-4.19 Procedures for centralized prescription handling

(a)-(c) (No change.)

(d) Two or more of the pharmacies delineated in (c) above may engage in central prescription handling provided:

1. (No change.)

2. Prior to engaging in central prescription handling, all pharmacies that are parties to the central prescription handling obtain Board approval. If a participating pharmacy is located outside the State of New Jersey, the pharmacy shall have registered with the Board pursuant to N.J.A.C. 13:39-[4.19]**4.20**. The pharmacies shall make a single application to the Board, delineating the scope of practice of each pharmacy and the specific rules in this chapter with which each pharmacy shall comply;

3.-9. (No change.)

(e) (No change.)

#### 13:39-4.20 Out-of-State pharmacy registration

(a) Any pharmacy located in a state other than New Jersey (hereinafter "out-of-State pharmacy") that ships, mails, distributes or delivers in any manner, legend drugs or devices or controlled dangerous substances pursuant to a prescription into the State, or which participates in a central prescription handling arrangement pursuant to N.J.A.C. 13:39-[4.18]**4.19**, shall be registered with the Board pursuant to this section.

(b)-(d) (No change.)

[page=3076] (e) An out-of-State pharmacy registered with the Board shall submit on an annual basis, prior to the expiration of the registration, a renewal application which shall contain the information set forth in (c)1 through 5 above, and the renewal fee set forth in N.J.A.C. 13:39-1.3(a)4. A registered out-of-State pharmacy that fails to submit the renewal application within 30 days after the registration expiration shall submit the late renewal fee set forth in N.J.A.C. 13:39-1.3(a)4 in addition to the renewal fee. An out-of-State pharmacy that continues to ship, mail, distribute or deliver legend drugs or devices or controlled dangerous substances into the State, or continues to participate in a central prescription handling arrangement pursuant to N.J.A.C. 13:39-[4.18]**4.19**, with an expired registration shall be deemed to be engaging in the unauthorized practice of pharmacy and shall be subject to the penalties set forth in N.J.S.A. 45:1-25 et seq.

(f)-(i) (No change.)

(j) An out-of-State pharmacy registered with the Board shall, during its regular hours of operation, but not less than five days per week, and for a minimum of 40 hours per week, provide a toll-free telephone service to facilitate communication between patients in the State of New Jersey and a pharmacist who has access to the patients' records. This toll-free number shall be disclosed on a label affixed to each container of drugs dispensed to patients in the State of New Jersey or the out-of-State pharmacy shall meet the requirements set

forth in N.J.A.C. 13:39-[4.18(d)6]**4.19(d)6**.

(k) (No change.)