

50 N.J.R. 2153(a)

VOLUME 50, ISSUE 20, OCTOBER 15, 2018

RULE ADOPTIONS

Reporter

50 N.J.R. 2153(a)

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Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > STATE BOARD OF MEDICAL EXAMINERS

Administrative Code Citation

Adopted Amendment: N.J.A.C. 13:35-7.5

Text

Requirements for the Dispensing of Drugs and Special Limitations Applicable to the Dispensing of Drugs for a Fee

Proposed: September 5, 2017, at 49 N.J.R. 2895(a).

Adopted: February 14, 2018, by the State Board of Medical Examiners, J. Paul Carniol, M.D., F.A.C.S., President.

Filed: September 5, 2018, as R.2018 d.181, **without change**.

Authority: N.J.S.A. 45:9-2.

Effective Date: October 15, 2018.

Expiration Date: April 3, 2025.

Summary of Public Comments and Agency Response:

The official comment period ended November 4, 2017. The Board of Medical Examiners (Board) received two comments from the following individuals:

1. Zachary J. Schnapp.

2. Debra L. Wentz, Ph.D., President and Chief Executive Officer, New Jersey Association of Mental Health and Addiction Agencies, Inc.

1. COMMENT: A commenter supports the amendments to N.J.A.C. 13:35-7.5.

RESPONSE: The Board thanks the commenter for her support.

2. COMMENT: A commenter contends that the amendments to N.J.A.C. 13:35-7.5 are too restrictive and do not recognize life-saving medications. The commenter recommends that antibiotics, antihistamines, and anti-inflammatories also be exempted from the seven-day limitation on physicians dispensing drugs. The commenter contends that this would benefit consumers by alleviating barriers for physicians who are not practicing in settings that are statutorily exempt from the seven-day limitation.

RESPONSE: N.J.S.A. 45:9-22.11 does not provide an exemption to seven-day supply dispensing requirements for the items identified by the commenter. Absent such statutory exemptions, the Board cannot amend N.J.A.C. 13:35-7.5 as the commenter recommends. The Board points out that all of these items may be dispensed by licensed pharmacies in an amount greater than the seven-day supply limitations imposed on licensees.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments.

Regulations

Full text of the adoption follows:

SUBCHAPTER 7. PRESCRIPTION, ADMINISTRATION, AND DISPENSING OF DRUGS

13:35-7.5 Requirements for the dispensing of drugs and special limitations applicable to the dispensing of drugs for a fee

(a) - (i) (No change.)

(j) In accordance with N.J.S.A. 45:9-22.11, the requirements set forth at (h) and (i) above shall not apply to a practitioner:

1.-2. (No change.)

3. If the drug dispensed is a salve, ointment, or drops;

4. If the drug is dispensed in, and directly related to, the services rendered to the patient at:

i.-ii. (No change.)

iii. A publicly subsidized community health center, family planning clinic or prenatal clinic; or

5. If the drug dispensed is a food concentrate, food extract, vitamin, mineral, herb, enzyme, amino acid, tissue or cell salt, glandular extract, nutraceutical, botanical, homeopathic remedy, or other nutritional supplement.

(k) (No change.)

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