

52 N.J.R. 896(b)

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RULE ADOPTIONS

Reporter

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NJ - New Jersey Register > 2020 > APRIL > APRIL 20, 2020 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > STATE BOARD OF NURSING

Administrative Code Citation

Adopted New Rule: N.J.A.C. 13:37-7.9B

Text

Electronically Transmitted Prescriptions

Proposed: June 17, 2019, at 51 N.J.R. 923(a).

Adopted: December 6, 2019, by the Board of Nursing, Barbara B. Blozen, Ed.D, MA, RN, President.

Filed: March 17, 2020, as R.2020 d.048, **without change**.

Authority: N.J.S.A. 45:11-24.

Effective Date: April 20, 2020.

Expiration Date: January 24, 2025.

Summary of Public Comment and Agency Response:

The official comment period ended August 16, 2019. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted new rule is governed by N.J.S.A. 45:11-24 et seq., and is not subject to any Federal standards or requirements. The Board notes, however, that the adopted requirements for electronic transmission of prescriptions for controlled substances set forth at N.J.A.C. 13:37-7.9B(g) and (h) are consistent with the Federal Drug Enforcement Agency (DEA) standards articulated at 21 CFR 1306.11 and 1306.21.

Regulations

Full text of the adoption follows:

[page=897] SUBCHAPTER 7. CERTIFICATION OF ADVANCED PRACTICE NURSES

13:37-7.9B Electronically transmitted prescriptions

- (a) An advanced practice nurse may transmit, or have an authorized agent transmit, an electronic prescription to a pharmacy that has been approved by a patient, a patient's guardian, or a patient's authorized representative, consistent with the requirements of this section. For purposes of this section, "electronic prescription" means a prescription that is transmitted by a computer or other electronic data processing device in a secure manner, including computer-to-computer and computer-to-facsimile transmissions.
- (b) An advanced practice nurse shall comply with all requirements set forth in N.J.A.C. 13:37-7.9 and shall ensure that all information required to be included on a written prescription pursuant to N.J.A.C. 13:37-7.9(d) is provided in each electronic prescription, except that a handwritten original signature shall not be required for the prescription.
- (c) An advanced practice nurse's electronic signature, or other secure method of validation, shall be provided with the electronic prescription.
- (d) To maintain confidentiality of electronic prescriptions, the advanced practice nurse shall ensure that the electronic system used to transmit the electronic prescription has adequate security and system safeguards designed to prevent and detect unauthorized access, modification, or manipulation of such records, and shall include, at a minimum, electronic encryption.
- (e) An advanced practice nurse may authorize an agent to electronically transmit a prescription, provided that the full name and title of the transmitting agent is included on the

transmission, and provided that the advanced practice nurse's agent does not sign the electronic prescription.

- (f)** An advanced practice nurse shall provide verbal verification of an electronic prescription upon request of the pharmacy when the pharmacist has a question regarding the authenticity, accuracy, or appropriateness of the prescription. An advanced practice nurse's authorized agent may provide verbal verification of the electronic prescription to the pharmacy when the pharmacist has a question regarding the authenticity or legibility of the prescription.
- (g)** An advanced practice nurse or the advanced practice nurse's authorized agent may transmit an electronic prescription to a pharmacy for a Schedule II controlled substance, provided that the original signed prescription is presented to the pharmacist prior to the dispensing of the controlled substance. If permitted by Federal law, and in accordance with Federal requirements, the electronic prescription shall serve as the original signed prescription and the advanced practice nurse shall not provide the patient, the patient's guardian, or the patient's authorized representative with a signed, written prescription.
- (h)** An advanced practice nurse or the advanced practice nurse's authorized agent may transmit an electronic prescription to a pharmacy for a Schedule III, IV, or V controlled substance, provided that the original signed prescription for presentation at the pharmacy, an oral prescription, or a facsimile prescription is provided. If permitted by Federal law, and in accordance with Federal requirements, the electronic prescription shall serve as the original signed prescription and the advanced practice nurse shall not provide the patient, the patient's guardian, or the patient's authorized representative with a signed, written prescription.
- (i)** An advanced practice nurse shall not enter into any agreement with a pharmacy that requires that electronic prescriptions be transmitted to a particular pharmacy or in any way denies a patient the right to have his or her prescription transmitted electronically to a pharmacy of the patient's choice.