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**MONDAY, OCTOBER 6, 2003**  
**RULE ADOPTION**  
LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
**STATE BOARD OF PHARMACY**  
NOTICE OF ADMINISTRATIVE CORRECTIONS PRESCRIPTIONS  
TRANSMITTED BY FACSIMILE N.J.A.C. 13:39-5.8A

Take notice that the Office of Administrative Law has discovered an error in the amended text of N.J.A.C. 13:39-5.8A, as appearing in the notice of adoption published in the September 15, 2003 New Jersey Register at 35 N.J.R. 4290(a). As related in the notice's Summary of Agency-Initiated Changes at 35 N.J.R. 4293, the State Board of Pharmacy changed N.J.A.C. 13:39- 5.8A(h)1 and 3 upon adoption to change the proposed references to "a Scheduled II substance" to "a Schedule II narcotic substance." The original notice of adoption (R.2003 d.373) submitted to, and processed by, the Office of Administrative Law for publication correctly reflecting this change in the rule text. However, through a typographic error, the published notice of adoption included the addition of "narcotic" to the phrase "a Schedule II substance" in N.J.A.C. 13:39-5.8A(h)2 instead of paragraph (h)3. See 35 N.J.R. 4294. The text of N.J.A.C. 13:39-5.8A as appearing in the 9/15/03 Code update includes the correct text of paragraphs (h)2 and 3. This notice of administrative correction is published in accordance with N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows:

<< NJ ADC 13:39-5.8A >>

**13:39-5.8A Prescriptions transmitted by facsimile**

(a)-(g) (No change.)

(h) A pharmacist may fill a prescription for a Schedule II controlled substance transmitted by facsimile provided that the original signed prescription is presented to the pharmacist prior to the dispensing of the controlled substance, except as provided in (h)1, 2 and 3 below.

1. (No change.)

2. A prescription for a Schedule II <<-narcotic->> substance prescribed for pain management for a resident of a long-term care facility may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile. The facsimile shall serve as the original written prescription and shall be maintained pursuant to the requirements of (g) above.

3. A prescription for a Schedule II <<+narcotic+>> substance prescribed for pain management for a patient receiving services from a hospice certified by Medicare under Title XVIII or licensed by the State may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile. The practitioner or the practitioner's agent shall note on the facsimile prescription that the patient is a hospice patient. The facsimile shall serve as the original written prescription and shall be maintained pursuant to the requirements of (g) above.

(i)-(j) (No change.)