

## 54 N.J.R. 156(c)

VOLUME 54, ISSUE 2, JANUARY 18, 2022

### RULE ADOPTIONS

#### Reporter

54 N.J.R. 156(c)

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#### Agency

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

#### Administrative Code Citation

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**Adopted Amendment: N.J.A.C. 13:39-7.21**

#### Text

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##### Patient Counseling

Proposed: April 5, 2021, at 53 N.J.R. 498(a).

Adopted: June 30, 2021, by the State Board of Pharmacy, Linda Witzal, R.Ph., President.

Filed: December 15, 2021, as R.2022 d.019, **without change**.

Authority: N.J.S.A. 45:14-47.

Effective Date: January 18, 2022.

Expiration Date: November 3, 2024.

##### Summary of Public Comments and Agency Responses:

The official comment period ended June 4, 2021. The Board of Pharmacy (Board) received comments from:

1. Ann Marie Takacs, R.Ph., Pharmacist-in-Charge, Integrity Rx Pharmacy;
2. Elise M. Barry, MS, CFRE, Chief Executive Officer, on behalf of the New Jersey Pharmacists Association; and

3. Jeenu Philip, R.Ph. Director, Pharmacy Affairs, Walgreens Co.

1. COMMENT: Two commenters expressed support for the Board eliminating the requirement of capturing the patient's or caregiver's signature to document that counseling was provided or refused. One commenter noted that capturing a physical signature is unduly burdensome to the pharmacy. Another commenter expressed support for providing pharmacists with the flexibility to determine how to document whether counseling to a patient was provided.

RESPONSE: The Board thanks the commenters for their support.

2. COMMENT: One commenter stated that, as long as documentation can be provided to the Board upon inspection, the requirement for a physical signature is unduly burdensome. The commenter also agrees that removing the requirement for a physical signature may help minimize the spread of germs and disease, and possibly help the patients' comfort level.

RESPONSE: The Board thanks the commenter for its support and notes that the section continues to require that a pharmacist document that counseling was provided or refused.

### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendment is governed by N.J.S.A. 45:14-40 et seq., and there are no Federal laws or standards applicable to the adopted amendment.

**Full text** of the adoption follows:

[page=157] SUBCHAPTER 7. DRUG DISPENSING AND PRESCRIPTION RECORDS

13:39-7.21 Patient counseling

(a)-(d) (No change.)

(e) At the time of dispensing, the pharmacist shall document that counseling was provided or refused.

(f) (No change.)

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