



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
Office of the Director  
124 Halsey Street, 7<sup>th</sup> Floor, Newark, NJ 07102



PAULA T. DOW  
Attorney General

THOMAS R. CALCAGNI  
Acting Director

June 9, 2010

**Mailing Address:**  
P.O. Box 45027  
Newark, NJ 07101  
(973) 504-6534

[Redacted]

Dear [Redacted]:

As of March 1, 2010, physicians are permitted to issue multiple prescriptions authorizing a patient to receive a total of up to a 90-day supply of a Schedule II controlled dangerous substance under amendments to N.J.S.A. 45:9-22.19 (P.L. 2009, c.165).

Under the new law, a physician may issue multiple prescriptions to a patient so that the patient may receive a total of up to a 90-day supply of a Schedule II controlled dangerous substance provided: (1) each separate prescription is issued for a legitimate medical purpose by the physician acting in the usual course of professional practice; (2) the physician provides written instruction on each prescription, other than the first prescription if it is to be filled immediately, indicating the earliest date on which a pharmacy may fill each prescription; (3) the physician determines that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse; and (4) the physician complies with all other applicable State and federal laws and regulations.

Because the existing rules are not as expansive as the new law, the Division of Consumer Affairs and the State Board of Medical Examiners soon will be proposing amendments to the current regulations. Specifically, the Board of Medical Examiners will propose amendments to N.J.A.C. 13:35-7.6(c), which currently imposes a 30-day limitation on prescriptions for Schedule II controlled substances. The proposed amendments will permit a physician to issue multiple prescriptions for a total of a 90-day supply of a Schedule II controlled dangerous substance, provided the requirements of the new law are satisfied. Similarly, the Division of Consumer Affairs will be proposing amendments to State controlled dangerous substance regulations at N.J.A.C. 8:65-7.5(a), which currently provide that all prescriptions for controlled substances, regardless of schedule, must be presented to the pharmacist for filling within 30 days after the date of issuance. The proposed amendments will provide that prescriptions for a Schedule II controlled dangerous substance issued in compliance with the new law that are presented to the pharmacist may not be filled until the date indicated on the prescription by the physician as the earliest date for filling.

**Please be advised that for the present, while the amendments to N.J.A.C. 13:35-7.5(c) and N.J.A.C. 8:65-7.5 (a) are in process, awaiting adoption, physicians may issue, and pharmacies may fill, prescriptions for Schedule II controlled dangerous substances consistent with the requirements of the new law. Therefore, physicians may provide a patient with three separate prescriptions, to be filled on three separate dates, for a total of a 90-day supply of a Schedule II controlled substance. Pharmacies may accept all three prescriptions at one time and hold the prescriptions without filling them until the date indicated on the prescription as the earliest date on which the prescription may be filled. Pharmacies shall not provide a patient with a 90-day supply of Schedule II medications at one time.**

The amendments to the Board of Medical Examiners and Division of Consumer Affairs rules will be available online at <http://www.njconsumeraffairs.gov/proposal/proposal.htm>.

**Let me also take this opportunity to alert pharmacies to the fact that New Jersey Prescription Blanks (NJPBs) from the following prescriber, with the following batch numbers and serial numbers, have been reported lost or stolen:**

Cynthia A. DeMola, P.A.

Lic. #: MP00094400

Batch #: TRI100413890100720-5

Serial # Ranges: 000001-000600; 000801-001000; 001101-001800;  
001901-002000; and 0021101-002300.

Should any of these NJPBs be presented at your pharmacy, prior to dispensing, please: (1) verify the prescription's authenticity with the prescriber; (2) contact the local authorities, if necessary; and (3) contact the Division at 973-504-6411 or 973-792-4220 to request a NJPB Incident Report.

Sincerely,



Thomas R. Calcagni  
Acting Director