The commenter noted that the proposed amendment to double fees is necessary or appropriate at this time, given that New Jersey physicians have already been actively funding the Division’s CDS-related activities. The commenter questioned whether doubling the fee is possibly saved.

The commenter stated that she appreciates that the Drug Control Unit is experiencing an increased workload, including the need to supervise the destruction and disposal of CDS and the management of the Prescription Blank Program. The commenter, however, questioned whether doubling fees across the board was the best solution to raise funds. The commenter stated that physicians in New Jersey face the highest practice costs and cost of living in the nation. The commenter believes that, based on the financial strength of manufacturers and distributors, it would be more equitable for them to shoulder more of the financial burden of monitoring CDS.

The commenter expressed support for upgrades to the Prescription Monitoring Program (PMP) to enhance interoperability, in particular with PMP programs in other states. The commenter also stated that she values the ability to monitor CDS drug dispensing to patients from pharmacies in other states. The commenter suggested that, given that the opioid crisis is national in scope, the Division continue to seek grant funding from the Federal government to further enhance New Jersey’s PMP.

RESPONSE: The Director disagrees that the proposed fee increases are inequitable. Although as a group, the amended fees may appear to disproportionately impact dispensers and prescribers, the percentage fee increase for each category of registrants is the same. Moreover, the Director believes that the increase from $20.00 to $40.00 for an individual prescriber is relatively low and not overly burdensome. The Director also believes, that if the fee increases were inequitable, such inequity would not result in the Division lowering the fees for prescribers, but rather could result in the Division considering future adjustments to the fees to the other registrants. With respect to the commenter’s suggestion about seeking grant funding, the Director thanks the commenter for her suggestion and notes that the Division continues to pursue appropriate funding options.

Federal Standards Statement
A Federal standards analysis is not required because the adopted amendments are not subject to any Federal standards or requirements.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS; REGISTRATION
13:45H-1.1 Registration fees
(a) Manufacturers of controlled dangerous substances shall pay an annual fee of $400.00 at the time of application for registration or for renewal of registration.
(b) Distributors and reverse distributors of controlled dangerous substances shall pay an annual fee of $200.00 at the time of application for registration or for renewal of registration.
(c) Dispensers of controlled dangerous substances or practitioners registered to conduct research with controlled dangerous substances shall pay an annual fee of $40.00 at the time of application for registration or for renewal of registration.
(d) Incorporated humane societies or licensed animal control facilities registered to purchase and administer sodium pentobarbital for the purpose of animal euthanasia shall pay an annual fee of $40.00 for registration or renewal of registration as a Dispenser in the category of hospital/clinic.

(CITE 51 N.J.R. 218)