

#### 13:39-7.4 Emergency dispensing

(a) Except as provided in (b) below, in the absence of a current, valid prescription, a pharmacist may dispense an emergency supply (no more than a 72-hour quantity) of a chronic maintenance drug or device if, in his or her professional judgment, refusal would endanger the health or welfare of the patient, provided the following conditions are satisfied:

1. The pharmacist first ascertains to the best of his or her ability, by direct communication with the patient or caregiver, that such a medication or device was prescribed for that patient by order of a practitioner. The pharmacist shall require the patient or caregiver to provide suitable identification. Such communication shall be documented in the patient profile record system maintained pursuant to N.J.A.C. 13:39-7.19 or in the pharmacy's other manual or electronic files; and

2. The pharmacist documents the dispensing of the emergency supply in the prescription record system.

(b) A pharmacist may dispense an emergency supply of a Schedule II controlled dangerous substance in the absence of a current, valid prescription upon receipt of oral authorization from a practitioner as provided under Federal law pursuant to 21 CFR 1306.11, consistent with the requirements of N.J.A.C. 13:45H-7.8.

#### 13:45H-7.8 Requirements of prescriptions; Schedule II

(d) In the case of an emergency situation, as defined by the Secretary of the Federal Department of Health and Human Services in 21 CFR 290.10, a pharmacist may dispense a controlled substance listed in Schedule II upon receiving oral authorization of a prescribing individual practitioner, provided that:

4. Within seven days after authorizing an emergency oral prescription, the prescribing individual practitioner shall cause a written prescription for the emergency quantity prescribed (not to exceed the amount for a 72-hour period) to be delivered to the dispensing pharmacist. In addition to conforming to the requirements of N.J.A.C. 13:45H-7.4, the prescription shall have written on its face "Authorization for Emergency Dispensing," and the date of the oral order. The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail it must be postmarked within the seven-day period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral emergency prescription, which had earlier been reduced to writing. The pharmacist shall notify the Drug Control Unit and the nearest office of the DEA in his or her district if the prescribing individual practitioner fails to deliver a written prescription to him or her; failure of the pharmacist to do so shall void the authority conferred by this paragraph to dispense with a written prescription of a prescribing individual practitioner.