

ASSEMBLY, No. 3799

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 5, 2009

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

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District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

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SYNOPSIS

Permits physicians to issue multiple prescriptions for total of up to 90-day supply of Schedule II drugs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2009)

1 AN ACT concerning the prescribing of controlled dangerous
2 substances, and amending P.L.1997, c.249.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1997, c.249 (C.45:9-22.19) is amended to
8 read as follow:

9 1. a. A physician licensed pursuant to chapter 9 of Title 45 of
10 the Revised Statutes may prescribe a Schedule II controlled
11 dangerous substance for the use of a patient in any quantity which
12 does not exceed a 30-day supply, as defined by regulations adopted
13 by the State Board of Medical Examiners in consultation with the
14 Department of Health and Senior Services. The physician shall
15 document the diagnosis and the medical need for the prescription in
16 the patient's medical record, in accordance with guidelines
17 established by the State Board of Medical Examiners.

18 b. A physician may issue multiple prescriptions authorizing the
19 patient to receive a total of up to a 90-day supply of a Schedule II
20 controlled dangerous substance, provided that the following
21 conditions are met:

22 (1) each separate prescription is issued for a legitimate medical
23 purpose by the physician acting in the usual course of professional
24 practice;

25 (2) the physician provides written instructions on each
26 prescription, other than the first prescription if it is to be filled
27 immediately, indicating the earliest date on which a pharmacy may
28 fill each prescription;

29 (3) the physician determines that providing the patient with
30 multiple prescriptions in this manner does not create an undue risk
31 of diversion or abuse; and

32 (4) the physician complies with all other applicable State and
33 federal laws.

34 (cf: P.L.1997, c.249, s.1)

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36 2. The State Board of Medical Examiners in consultation with
37 the Commissioner of Health and Senior Services, pursuant to the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.), shall adopt rules and regulations to effectuate the purposes of
40 this act.

41

42 3. This act shall take effect on the first day of the month next
43 following the date of enactment by 90 days, but the State Board of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Medical Examiners may take such anticipatory administrative
2 action in advance thereof as shall be necessary for the
3 implementation of this act.

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STATEMENT

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8 This bill would permit a physician to issue up to three
9 prescriptions authorizing the patient to receive a total of up to a 90-
10 day supply of a Schedule II controlled dangerous substance, such as
11 Ritalin, if:

- 12 • each separate prescription is issued for a legitimate
13 medical purpose by the physician acting in the usual
14 course of professional practice;
- 15 • the physician provides written instructions on each
16 prescription (other than the first prescription if it is to be
17 filled immediately) indicating the earliest date on which a
18 pharmacy may fill each prescription;
- 19 • the physician determines that providing the patient with
20 multiple prescriptions in this manner does not create an
21 undue risk of diversion or abuse; and
- 22 • the physician complies with all other applicable State and
23 federal laws.

24 Individuals in New Jersey who suffer from chronic conditions or
25 illnesses and require Schedule II controlled dangerous substances
26 typically must obtain a new prescription every 30 days. The
27 purpose of this bill is to relieve the burden for patients on
28 maintenance Schedule II controlled dangerous substances if the
29 prescribing physician determines that there is not an undue risk of
30 diversion or abuse.

31 The provisions of this bill are not intended to require or
32 encourage physicians to issue multiple prescriptions, or to see their
33 patients only once every 90 days when prescribing Schedule II
34 controlled dangerous substances. Individual practitioners must
35 determine on their own, based on sound medical judgment and in
36 accordance with established medical standards whether it is
37 appropriate to issue multiple prescriptions and how often to see
38 their patients when doing so.