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ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1995

STATE OF NEW JERSEY

214th LEGISLATURE

ADOPTED JUNE 17, 2010

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SYNOPSIS

Requires pharmacist to dispense epilepsy drug from same manufacturer as previously dispensed for certain patients, unless otherwise prescribed.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 21, 2010.

(Sponsorship Updated As Of: 6/25/2010)

AN ACT concerning the dispensing of epilepsy drugs and supplementing P.L.1977, c.240 (C.24:6E-1 et seq.).

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

1. As used in this act:

"Antiepileptic drug" means any drug prescribed for the treatment of epilepsy or a drug used to treat or prevent seizures.

"Epilepsy" means a neurological condition characterized by recurrent seizures.

"Seizure" means an acute clinical change secondary to a brief disturbance in the electrical activity of the brain.

2. On a prescription for an antiepileptic drug that is prescribed for epilepsy or seizures, a physician shall include an epilepsy or seizure diagnosis indicated by a diagnosis code written on the prescription.

3. A pharmacist shall dispense a prescription for an antiepileptic drug from the same manufacturer as most recently dispensed by that pharmacy to a patient whom the pharmacist knows to have an epilepsy or seizure diagnosis based on a prescription submitted pursuant to section 2 of this act; provided however[1] **[**, if**]**:

a. If[1] a new prescription is for a brand name drug and is marked "do not substitute," the pharmacist shall dispense the brand name drug as prescribed[1]; or

b. If a new prescription is for a brand name drug and is not marked "do not substitute," but the previous prescription for the same drug was marked "do not substitute," a generic drug shall be dispensed, pursuant to section 8 of P.L.1977, c.240 (C.24:6E-7)[1].

4. If the pharmacy does not currently stock the drug from the same manufacturer as most recently dispensed by that pharmacy to a patient, or as indicated by the physician on the prescription, and the pharmacist knows the patient to have an epilepsy or seizure diagnosis based on a prescription submitted pursuant to section 2 of this act, the pharmacist shall so provide oral notification, or written notification by electronic mail or facsimile, to the prescribing physician within 24 hours, and shall proceed to dispense the prescription with an available generic drug substitute.

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.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Assembly floor amendments adopted June 21, 2010.

5. a. The New Jersey State Board of Pharmacy shall establish the ¹format, font size, and¹ content of the notification required under section 4 of this act through rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. The notification¹, which shall be written in clear and plain language,¹ shall include, but not be limited to, the following:

(1) notification to the physician that section 8 of P.L.1977, c.240 ¹**[**(C.24:6e-7)**]** (C.24:6E-7)¹ currently states that where the prescriber indicates "substitution permissible and requests the pharmacist to notify him of the substitution," the pharmacist shall transmit notice specifying the drug product actually dispensed and the name of the manufacturer thereof;

(2) the name and manufacturer of the generic drug substitute dispensed to the patient; ¹**[**and**]**¹

(3) the name and manufacturer of the most recent drug that was dispensed by that pharmacy to the patient prior to the dispensing of the generic drug substitute¹**[**.**]** and;

(4) notification to the physician that in order to ensure precise control over a patient's antiepileptic drug regimen, the prescribing physician may specify, on a prescription for a generic drug, the specific name and manufacturer of the drug, and mark "do not substitute."¹

¹**[**6. The provisions of this act shall not be construed to apply to the dispensing of any prescription drug that is covered by the Medicare Part D prescription drug benefit program to the extent that these provisions otherwise conflict with any federal law or regulation governing that program.**]**¹

¹**[**7.**]** 6.¹ Sections 1, 2, 3, ¹and¹ 5¹**[**, and 6**]**¹ of this act shall take effect immediately and section 4 shall take effect on the first day of the seventh month following the date of enactment, but the Executive Director of the New Jersey State Board of Pharmacy may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.