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To Prevent Drug Shortages, AG Grewal Imposes Emergency Statewide Restrictions on Certain Prescription Medications

Limits on Prescribing and Dispensing Hydroxychloroquine and Chloroquine Ensure Continued Availability for Patients Who Need It Most

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NEWARK – Addressing concerns of potential drug shortages caused by the inappropriate prescribing and hoarding of drugs touted by some as possible treatments for COVID-19, Attorney General Gurbir S. Grewal and the Division of Consumer Affairs today announced statewide restrictions for prescribing and dispensing those medications.

Demand for hydroxychloroquine and chloroquine, prescription drugs used to treat malaria and certain chronic inflammatory conditions like lupus and rheumatoid arthritis, has increased nationwide following reports that the drugs are being tested as possible treatments for COVID-19.

Reports have raised concerns that the drugs are being hoarded by people who do not have an immediate need. According to reports from pharmacy associations across the nation, it appears the hoarders include doctors and dentists who are writing prescriptions for themselves or family members.

To reduce the risk of a shortage, the Division of Consumer Affairs, under the direction of Attorney General Grewal, today issued an Administrative Order imposing statewide restrictions on prescribing and dispensing of the drugs.

“We are in the midst of a public health emergency, and we are all in it together,” said Attorney General Grewal. “Stockpiling and hoarding drugs, and inappropriate prescribing for friends and family, is unacceptable. The action we are taking today protects the drug supply so that medications are available when necessary for those who need them most.”

“Medical professionals have a duty to make conscientious prescribing and dispensing decisions that ensure every patient is able to obtain their medication. This includes only issuing prescriptions necessary for the treatment of patients, and in reasonable quantities to ensure continuity of care for all who rely on them,” said Paul R. Rodríguez, Acting Director of the Division of Consumer Affairs. “It is imperative that those rules are not violated, especially during a public health emergency. To ensure adequate supplies of

medications to all New Jersey patients during the COVID-19 health crisis, we are imposing restrictions on the prescribing and dispensing of certain drugs that may be in short supply.”

The Division’s order, which applies effective immediately and until further notice, mandates that any prescription for a drug in short supply due to its use in possible treatment of COVID-19, such as hydroxychloroquine and chloroquine, must include a diagnosis or diagnostic code and should be supported in the patient’s record. Prescriptions without this information are invalid and may not be filled by pharmacists.

To address concerns about inappropriate prescribing, prescribers are not to prescribe medications in short supply as prophylaxis against COVID-19 for the prescriber’s family or friends or to stockpile the drugs for office use. In addition, all prescriptions written should be for treatment of conditions within the prescriber’s scope of practice. So, for example, podiatrists, dentists and veterinarians should not be writing prescriptions for medications designed to treat COVID-19. Pharmacists should not fill prescriptions if they believe the prescriber is acting outside the scope of their practice.

Hydroxychloroquine or chloroquine may be prescribed and dispensed for treatment of COVID-19 only if supported by a positive test result, which must be documented on the prescription, and limited to a 14-day supply, with no refills permitted.

The order’s limitations do not apply to orders of medications for inpatient hospital use, or for use in federal or state clinical trials.

The order also does not limit prescriptions of hydroxychloroquine and chloroquine for patients being treated with maintenance prescriptions for preexisting conditions, such as lupus or other autoimmune diseases. These patients may continue to obtain refills of hydroxychloroquine and chloroquine, and are not subject to the 14-day limitation.

In addition, pharmacists may exercise judgment when filling or refilling prescriptions for medications that may soon be in short supply due to increased demand of certain drugs or drug delivery systems due to the COVID-19 pandemic. For example, the demand for metered dose inhalers has increased. A pharmacist may prudently dispense only one metered dose inhaler when a prescription was written for three.

Suspected violations of the Division’s order should be reported to the New Jersey Board of Medical Examiners [here](#).

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