Former N.J.A.C. 13:39–7.10, Return of prescription medication, recodified to N.J.A.C. 13:39–7.16.

13:39–7.11 Electronically transmitted prescriptions

(a) A pharmacist may accept for dispensing an electronic prescription, consistent with the requirements of this section. For purposes of this section, "electronic prescription" means a prescription which is transmitted by a computer device in a secure manner, including computer to computer and computer to facsimile transmissions.

(b) A pharmacist shall not fill an electronic prescription transmitted by anyone other than a practitioner authorized to prescribe medications pursuant to N.J.S.A. 45:14–14, or the prescribing practitioner's authorized agent. If the electronic prescription is transmitted by the practitioner's authorized agent, the transmission shall include the full name and title of the agent.

(c) The permitholder shall ensure that the electronic system utilized to receive prescriptions shall have adequate security and system safeguards designed to prevent and detect unauthorized access, modification or manipulation of the prescriptions.

(d) The computer or device used to receive electronically transmitted prescriptions shall be located within the pharmacy prescription area.

(e) An electronic prescription shall contain all information required to be included on a written prescription pursuant to New Jersey State Board of Medical Examiners rule N.J.A.C. 13:35–7.2(d), except that a handwritten original signature and an NJPB shall not be required for the prescription.

(f) A pharmacist shall seek verbal verification of an electronic prescription from the prescribing practitioner whenever the pharmacist has reason to question the authenticity, accuracy or appropriateness of the prescription. A pharmacist may accept verbal verification regarding the authenticity or legibility of an electronic prescription from a prescribing practitioner's authorized agent. A pharmacist shall not fill the electronic prescription where there is a question regarding authenticity, accuracy or appropriateness if such verification is not provided.

(g) A pharmacist shall retain a printed copy of an electronic prescription, or a record of an electronic prescription that is readily retrievable and printable, for a minimum of five years pursuant to N.J.S.A. 45:14–15. The printed copy shall be of non-fading legibility.

(h) A pharmacist may fill a prescription for a Schedule II controlled substance transmitted electronically, provided that the original signed prescription is presented to the pharmacist prior to the dispensing of the controlled substance. If permitted by Federal law, and in accordance with Federal requirements, an electronic prescription shall serve as the original signed prescription.

(i) A pharmacist may fill a prescription for a Schedule III, IV or V controlled substance transmitted electronically, provided that the pharmacist has obtained the original signed prescription, an oral prescription, or a facsimile prescription from the prescribing practitioner or the prescribing practitioner's authorized agent prior to the dispensing. If permitted by Federal law, and in accordance with Federal requirements, an electronic prescription shall serve as the original signed prescription.

(j) A pharmacist shall not enter into any agreement with a prescribing practitioner that requires that electronic prescriptions be transmitted to a particular pharmacy or in any way denies a patient the right to have his or her prescription transmitted electronically to a pharmacy of the patient's choice.

(k) Two or more permit holders may establish a common electronic filing system to maintain required dispensing information.

(*l*) Nothing in this section shall be construed to preclude the electronic transfer of information between pharmacies for purposes of transferring prescriptions pursuant to N.J.A.C. 13:39–7.8.

New Rule, R.2003 d.373, effective September 15, 2003.
See: 34 N.J.R. 3064(a), 35 N.J.R. 4290(a).
Recodified from N.J.A.C. 13:39–5.8B and amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Added (k) and (*l*). Former N.J.A.C. 13:39–7.11, Prescription balances, scales, weights and automatic counting devices, recodified to N.J.A.C. 13:39–5.11.

13:39–7.12 Labeling

(a) The dispensed container for any product shall bear a permanently affixed label with at least the following information:

1. The pharmacy name and address;
2. The pharmacy telephone number;
3. The brand name or generic name and if generic, the name of the manufacturer;
4. The strength of medication, where applicable;
5. The quantity dispensed;
6. The date upon which prescription medication is dispensed;
7. A CDS cautionary label, where applicable;
8. The patient name;
9. Initials of the dispensing pharmacist;
10. The prescriber name;

11. The prescription number;

12. Directions for use; and

13. The phrase "use by" followed by the product's use by date, if dispensed in any packaging other than the manufacturer's original packaging.

i. For purposes of this paragraph, "use by date" means the earlier of one year from the date of dispensing or the expiration date on the manufacturer's container.

(b) The patient name, the brand or generic name of the medication, and the directions for use shall appear in larger type, in a different color type, or in bolded type, in comparison to the other information required to appear on the label of the dispensed container pursuant to (a) above.

(c) In addition to the requirements set forth in (a) and (b) above, the dispensed container for any product shall bear all auxiliary labeling as recommended by the manufacturer.

(d) When, in the judgment of the pharmacist, directions to the patient or cautionary messages are necessary, either for clarification or to ensure proper administration, storage or use of the medication, the pharmacist may add such directions or cautionary messages to those indicated by the prescriber on the original prescription.

New Rule, R.1999 d.196 effective June 21, 1999.
See: 30 N.J.R. 4113(a), 31 N.J.R. 253(a), 31 N.J.R. 1618(a).
Recodified from N.J.A.C. 13:39–5.9 and amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Rewrote (b) and added (c). Former N.J.A.C. 13:39–7.12, Disposal of unwanted drugs, recodified to N.J.A.C. 13:39–7.17.
Amended by R.2004 d.380, effective October 4, 2004 (operative April 2, 2005).
See: 36 N.J.R. 11(a), 36 N.J.R. 4480(a).
Rewrote the section.
Administrative correction.
See: 37 N.J.R. 1535(a).

13:39–7.13 Professional judgment in dispensing drugs

The pharmacist shall have the right to refuse to fill a prescription if, in his or her professional judgment, the prescription is outside the scope of practice of the prescriber; or if the pharmacist has sufficient reason to question the validity of the prescription; or to protect the health and welfare of the patient.

Recodified from N.J.A.C. 13:39–6.1 and amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Undesignated (a) and deleted (b). Former N.J.A.C. 13:39–7.13, Outdated drugs or drugs marked "sample", recodified to N.J.A.C. 13:39–7.18.

13:39–7.14 Advertising and sale of prescription drugs

(a) "Advertisement" means any attempt directly or indirectly by publication, dissemination, or circulation in print or electronic media which directly or indirectly induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services or goods from a Board licensee.

(b) Price quotations for prescription drugs appearing in any advertisement shall stipulate the strength and quantity required to be purchased for the offered cost. Price quotations shall include the usual and customary prescription cost. All services including, but not limited to, delivery charges rendered by the pharmacy which will add additional costs to the price quoted, must be set forth in the advertisement.

(c) Any reference in any form of advertisement to the quality of a drug or its beneficial use is prohibited.

(d) Price quotations for drugs appearing in any advertisement shall stipulate the effective period of price quotation.

(e) Upon request by any consumer, the pharmacist shall give usual and customary price information for a non-third party paying customer over the telephone and shall stipulate the effective period of the price quotation.

(f) All advertisements shall be predominantly informational and shall not be misleading, confusing or false. Any advertisement demeaning the quality of professional services rendered by another licensee or permittee shall be prohibited.

Recodified from N.J.A.C. 13:39–6.8 and amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Rewrote (e); in (f), deleted the second sentence. Former N.J.A.C. 13:39–7.14, Patient profile record system, recodified to N.J.A.C. 13:39–7.19.

Case Notes

Prohibition against certain premiums or rebates was unconstitutional. Matter of CVS Pharmacy, Wayne, 224 N.J.Super. 631, 541 A.2d 242 (A.D.1988) reversed 116 N.J. 490, 561 A.2d 1160, certiorari denied 110 S.Ct. 841, 493 U.S. 1045, 107 L.Ed.2d 836.

13:39–7.15 Restriction on sale of Schedule V over-the-counter controlled substances

(a) It shall be considered unprofessional conduct for a pharmacist to dispense a Schedule V over-the-counter controlled substance when:

1. The pharmacist, in his or her professional judgment, knows or reasonably should know that the requested substance will be used for unauthorized or illicit consumption or distribution; or

2. The pharmacist, in his or her professional judgment, knows or reasonably should know that the person requesting the substance previously used it for unauthorized or illicit consumption or distribution.

(b) The standard of professional judgment and care that attends the sale of a Schedule V over-the-counter controlled substance shall conform to the following:

1. All pharmacists shall comply with N.J.A.C. 8:65–7.19, which requires that the sale of specified controlled substances be limited in quantity during any 48–hour period, that the purchaser be at least 18 years of age, and that the pharmacist obtain suitable identification (including proof of age where appropriate) from every purchaser not known to the pharmacist.

2. In all instances, any doubts regarding the propriety of a sale of a Schedule V substance shall be resolved against making the sale.

3. The pharmacist shall enter every sale of a Schedule V substance in the Over–the–Counter Schedule V Record Book pursuant to N.J.A.C. 8:65–7.19. The information to be recorded shall include the purchaser's first and last name, street address, city and state, the name and quantity of the Schedule V substance sold, the date of each sale, and the name or initials of the pharmacist making the sale.

4. Upon an individual's second request for a Schedule V substance within a short period of time (two to four days), the pharmacist shall determine, through direct communication with the purchaser, whether the substance is being used correctly. In that regard, the pharmacist shall ascertain how many people are using the substance and whether the condition which the substance is being used to treat is improving.

5. Upon an individual's third request for a Schedule V substance within a short period of time relative to the number of persons using it (two to four days subsequent to the second purchase), the pharmacist shall advise the purchaser of the substance's abuse potential and shall caution the purchaser to consult a physician if the condition for which the substance is being used does not improve.

(g) If the pharmacy uses an electronic data processing system, an auxiliary recordkeeping system shall be established when the electronic data processing system is inoperative for any reason. When the electronic data processing system is restored to operation, the patient profile information and number of refills authorized during the time the electronic system was inoperative shall be entered into the electronic data processing system within 72 hours.

(h) If an electronic data processing system is used, the system shall provide adequate safeguards against manipulation and alteration of records and to protect confidentiality of the information contained in the data bank.

(i) The holder of the pharmacy permit shall make arrangements with the supplier of data processing services or materials to ensure that the pharmacy will continue to have adequate and complete prescription and dispensing records if the relationship with such supplier terminates for any reason.

(j) Failure to comply with this section shall subject the pharmacist to disciplinary sanctions.

Amended by R.1993 d.307, effective June 21, 1993.
See: 24 N.J.R. 266(a), 25 N.J.R. 2697(a).
Amended by R.1994 d.351, effective July 18, 1994.
See: 26 N.J.R. 1596(a), 26 N.J.R. 2905(b).
Recodified from N.J.A.C. 13:39–7.14 and amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

SUBCHAPTER 8. PHARMACY TRAINING SITES

13:39–8.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Certified preceptor" means a pharmacist registered in this State who assumes the responsibility to supervise and tutor a pharmacy intern as outlined in N.J.A.C. 13:39–8.2.

"Faculty preceptor" means a member of the faculty at an American Council of Pharmaceutical Education approved school or college of pharmacy, at which a pharmacy extern is enrolled, who assumes the responsibility to supervise and tutor a pharmacy extern as outlined in N.J.A.C. 13:39–8.2.

"Pharmacy extern" means any person who is in the fifth or sixth college year (or third or fourth professional year) at an American Council of Pharmaceutical Education approved school or college of pharmacy who is assigned to a training site for the purpose of acquiring accredited practical experience under the supervision of the school or college at which he or she is enrolled.

"Pharmacy intern" means any person who has graduated from an American Council of Pharmaceutical Education approved school or college of pharmacy, or if a foreign pharmacy graduate, any person who has satisfied the requirements of N.J.A.C. 13:39–2.9, who is employed in an approved training pharmacy for the purpose of acquiring accredited practical experience and who has first registered for said purposes with the Board.

"Pharmacy internship or externship" shall mean the program of acquiring practical experience by a pharmacy intern or extern respectively.

"Pharmacy training site" means a site which satisfies the requirements of N.J.A.C. 13:39–8.3.

Amended by R.1994 d.351, effective July 18, 1994.
See: 26 N.J.R. 1596(a), 26 N.J.R. 2905(b).
Amended by R.1999 d.214, effective July 19, 1999.
See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).
Deleted "Approved training site"; inserted "Faculty preceptor"; rewrote "Pharmacy intern" and "Pharmacy extern"; and added "Pharmacy training site".
Amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
In "Certified preceptor", deleted "or extern" following "pharmacy intern"; in "Pharmacy intern", amended the N.J.A.C. reference.

13:39–8.2 Preceptor application procedures; responsibilities

(a) A registered pharmacist who wishes to be a certified preceptor shall apply to the Board and shall furnish evidence that he or she:

1. Has been registered and employed as a pharmacist in the area of practice in which he or she is to be engaged as a preceptor, on a full-time basis for at least two years in the State of New Jersey; and

2. Has not been convicted of a crime or offense relating adversely to the practice of pharmacy or involving moral turpitude, and has not been the subject of disciplinary action taken by a professional board resulting in the suspension, revocation or surrender of a license or the placement of significant limitations on such license.

(b) The Board shall approve a certified preceptor selected by each pharmacy intern, prior to the beginning of the internship. At no time may one certified preceptor supervise the training of more than one pharmacy intern.

(c) The certified preceptor in a pharmacy training site shall provide the Board with a detailed written report outlining the progress, aptitude and readiness to practice of any pharmacy intern under his or her supervision at the conclusion of the internship.

(d) The certified preceptor or faculty preceptor is charged with the responsibility for the following:

1. Supervising the activities of the pharmacy intern or extern and ensuring that the intern or extern will keep

abreast of developments in pharmacy by reading current professional literature and journals and by attending seminars and meetings of professional and scientific organizations; and

2. Providing the pharmacy intern or extern with experience and knowledge related to the preceptor's area of practice.

Amended by R.1994 d.351, effective July 18, 1994.
See: 26 N.J.R. 1596(a), 26 N.J.R. 2905(b).
Amended by R.1999 d.214, effective July 19, 1999.
See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).
Rewrote the section.
Amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
In (a), rewrote 2; rewrote (c); deleted former (d); recodified existing (e) as (d).

13:39–8.3 Pharmacy training site requirements

(a) To serve as a training site for interns, a pharmacy shall meet the following requirements:

1. Have a satisfactory record of observance of Federal, state and municipal laws and ordinances governing the activity in which it is or has been engaged.

2. Have a total number of prescriptions or medication orders filled annually, including renewals, of at least 20,000, with no more than one pharmacy intern or extern in training for each 20,000 prescriptions filled in the pharmacy.

3. Establish and maintain as part of the service it renders, a medication recordkeeping system for its patients that is approved by the Board.

4. Have available a reference library for use by the pharmacy intern.

(b) Notwithstanding the provisions of (a) above, a pharmacy which does not dispense medications but which serves as a pharmacy training site shall not be required to satisfy the requirements of (a)2 and 3 above.

Amended by R.1994 d.351, effective July 18, 1994.
See: 26 N.J.R. 1596(a), 26 N.J.R. 2905(b).
Amended by R.1999 d.214, effective July 19, 1999.
See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).
In (a), rewrote the introductory paragraph and 4; and added (b).

13:39–8.4 Internship and externship practical experience

(a) The minimum accredited internship and externship practical experience requirement shall be the equivalent of 1,000 hours as follows:

1. One thousand hours for completion of a structured internship conducted after graduation from an accredited college of pharmacy and consisting of no less than 24 weeks supervised by a certified preceptor. Each week of practical experience shall consist of no less than 20 hours and no more than 45 hours of actual service per week. If the intern is a foreign pharmacy graduate, he or she must have met all of the requirements of the National Association of Board of Pharmacy Foreign Pharmacy Graduate Examination Commission.

2. The certified preceptor and the pharmacy intern shall keep accurate records of the time spent by the pharmacy intern for credit toward the requirements of (a)1 above. The Board shall provide appropriate forms to be submitted to the Board for approval of postgraduate practical experience.

3. No credit shall be given for hours served as an intern prior to the Board's receipt of the written application.

(b) In lieu of the requirements set forth in (a)1 above, an applicant may obtain up to 1,000 hours practical experience by completion of a structured, college-credited externship and clinical pharmacy clerkship program of an American Council of Pharmaceutical Education accredited college of pharmacy.

(c) In cases of a structured, college-credited externship and clinical pharmacy clerkship program, where less than 1,000 hours are accepted and approved by the Board, the balance of hours to make a total of 1,000 shall be gained through completion of a structured internship, conducted after graduation from an American Council of Pharmaceutical Education accredited college of pharmacy and supervised by a certified preceptor with each week of practical experience consisting of no less than 20 hours and no more than 45 hours of actual service per week.

(d) A college of pharmacy externship program shall provide that no less than 75 percent of the hours credited toward the practical experience requirement of the Board be gained in settings in which there is direct involvement with consumers or patients, registered pharmacists, and other licensed health care practitioners such as physicians, dentists and nurses under the supervision of a certified or faculty preceptor. Not more than 45 hours of experience shall be acquired per week.

(e) Credit for college externships or other experience programs shall not be allowed for experience gained prior to the fifth college year (or third professional year) in the college of pharmacy program.

(f) The pharmacy college shall certify that the requirements of (b) above have been met.