

hour” shall be calculated at the rate of one hour for every 50 minutes of in-class participation.

“Chronic pain” means pain that persists for three or more consecutive months and after reasonable medical efforts have been made to relieve the pain or its cause and that continues, either continuously or episodically.

“Controlled dangerous substance” means any substance that is listed in Schedules II, III, and V of the schedules provided under the “New Jersey Controlled Dangerous Substances Act,” P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.). Controlled dangerous substance also means any substance that is listed in Schedule V under the “New Jersey Controlled Dangerous Substances Act” when the Director has determined that reporting Schedule V substances is required by Federal law, regulation, or funding eligibility, consistent with N.J.A.C. 13:45H.

“Current patient” means any person who is the recipient of a professional service rendered by the practitioner for purposes of diagnosis, treatment, or a consultation related to treatment.

“Data Collection Manual” means the New Jersey Prescription Monitoring Program Data Collection Manual, Version 2.1, incorporated herein by reference, as amended and supplemented, and available on the New Jersey Prescription Monitoring Program website at www.njconsumeraffairs.gov.

“Delegate” means a person authorized to access the PMP information of the practitioner’s current or new patient on behalf of a practitioner who is an authorized user of the PMP.

“Dental resident” means a person who practices dentistry as a resident pursuant to N.J.S.A. 45:6-20 and, pursuant to N.J.A.C. 13:30-1.3, is a graduate of a dental school approved by the Commission on Dental Accreditation and has passed Part I and Part II of the National Board Dental examination and obtained a resident permit from the New Jersey Board of Dentistry.

“Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

“Diversion” means the redirection of a prescription drug from its lawful purpose for illicit use.

“Division” means the Division of Consumer Affairs in the Department of Law and Public Safety.

“Emergency department of a general hospital” means an emergency department of a hospital (approved general) licensed and regulated by the Department of Health under N.J.A.C. 8:43G.

“Hospice” means a hospice as defined in N.J.A.C. 8:42C-1.2, which is licensed by the New Jersey State Department of Health.

“Licensed health care professional” means a registered nurse, licensed practical nurse, or dental hygienist licensed pursuant to Title 45 of the Revised Statutes. A “licensed health care professional” also means an advanced practice nurse or a physician assistant who access the PMP as a delegate.

“Medical resident” means a graduate physician who is authorized to practice medicine and surgery by means of a valid permit issued by the State Board of Medical Examiners to a person authorized to engage in the practice of medicine and surgery while in the second year or beyond of a graduate medical education program pursuant to N.J.A.C. 13:35-1.5. For purposes of this subchapter, a medical resident shall not include a licensed physician participating in a graduate medical education program.

“Misuse” means the use of a prescribed medication in a manner that is contrary to directions, regardless of whether a harmful outcome occurs.

“New patient” means a person who for the first time seeks from or is rendered professional services by the practitioner for purposes of diagnosis, treatment, or a consultation related to a treatment.

“Pharmacy permit holder” means an individual or business entity that holds a permit to operate a pharmacy practice site pursuant to P.L. 2003, c. 280 (N.J.S.A. 45:14-40 et seq.).

“Practitioner” means an individual currently licensed, registered, or otherwise authorized by this State or another state to prescribe drugs in the course of professional practice.

“Registered dental assistant” is a person who has fulfilled the requirements for registration established by the Dental Auxiliaries Act, P.L. 1979, c. 46 (N.J.S.A. 45:6-48 et seq.), as set forth in N.J.A.C. 13:30-2.2, and works under the direct supervision of a licensed dentist.

13:45A-35.3 Pharmacy reporting requirements; electronic format

(a) A pharmacy filling a prescription for a Schedule II, III, IV, or V controlled dangerous substance or for human growth hormone, as defined in N.J.A.C. 13:45A-35.1, in an outpatient setting, shall collect and electronically transmit to the Division’s PMP vendor on a daily basis information for each prescription, as specified in the New Jersey PMP Data Collection Manual.

1. For purposes of this section, in accordance with N.J.S.A. 45:1-45 and as specified in the Data Collection Manual, the following information shall be collected and transmitted to the Division:

- i. The surname, first name, and date of birth of the patient for whom the medication is intended;
- ii. The street address and telephone number of the patient;

- iii. The date that the medication is dispensed;
- iv. The number or designation identifying the prescription and the National Drug Code of the drug dispensed;
- v. The pharmacy permit number of the dispensing pharmacy;
- vi. The prescribing practitioner's name and Drug Enforcement Administration registration number;
- vii. The name, strength, and quantity of the drug dispensed, the number of refills ordered, and whether the drug was dispensed as a refill or a new prescription;
- viii. The date that the prescription was issued by the practitioner;
- ix. The source of payment for the drug dispensed; and
- x. Such other information, not inconsistent with Federal law, regulation, or funding eligibility requirements, as the Director determines necessary and that is set forth in the Data Collection Manual.

13:45A-35.4 Requests for exemption or waiver

(a) A pharmacy that does not dispense Schedule II, III, IV, or V controlled dangerous substances or human growth hormone, or that dispenses Schedule II, III, IV, or V controlled dangerous substances or human growth hormone only to inpatients in a hospital, long-term or other facility in which the residents are provided with 24-hour nursing care, shall apply to the Division for an exemption from the PMP on a form supplied by the Division and available at www.njconsumeraffairs.gov.

(b) A pharmacy may apply for a waiver of the PMP electronic reporting requirements contained in this subchapter or in the Data Collection Manual for good cause, such as technological limitations or financial hardship, by filing a written application for waiver with the Division on a form supplied by the Division and available at www.njconsumeraffairs.gov. The application for waiver shall document the reasons for the pharmacy's inability to comply with the electronic submission requirement and shall specify the format the pharmacy proposes to use to submit required information to the PMP vendor.

(c) An application for exemption or waiver request granted pursuant to this section shall be valid until June 30 of the following year unless otherwise limited by the Division. If the conditions that necessitated the exemption or waiver are corrected or no longer exist, the pharmacy shall notify the Division, and the exemption or waiver shall become void. If the reasons necessitating the exemption or waiver persist, the pharmacy shall, by June 30 of each year as part of its pharmacy permit or out-of-State pharmacy registration annual renewal application, apply to the Division for a renewal of the exemption or waiver.

13:45A-35.5 Frequency requirements for transmitting information; confidentiality

(a) A pharmacy shall transmit prescription information required by N.J.A.C. 13:45A-35.3 to the PMP vendor on a daily basis pursuant to the schedule established in the Data Collection Manual. Omissions and errors in the transmitted information shall be corrected and submitted as provided in the Data Collection Manual.

(b) A pharmacy shall transmit the required prescription information in such a manner as to ensure the confidentiality of patient information in compliance with all Federal and State laws, rules, and regulations, including the Federal Health Insurance Portability and Accountability Act of 1996 and the Federal health privacy rule set forth at 45 CFR Parts 160 and 164.

13:45A-35.6 Access to prescription monitoring information; retention of information

(a) The Division shall provide online access to prescription monitoring information submitted to the PMP to the following:

1. A pharmacist who is employed by a current pharmacy permit holder and is authorized to dispense controlled dangerous substances or human growth hormone who certifies that the request is for the purpose of providing health care to or verifying information with respect to a new or current patient, or verifying information with respect to a prescriber;

2. A practitioner who has a current CDS registration and is authorized to prescribe, dispense, or administer controlled dangerous substances or human growth hormone who certifies that the request is for the purpose of providing health care to or verifying information with respect to a new or current patient of the practitioner, or verifying information with respect to a prescriber;

3. A delegate authorized by a practitioner to access the PMP information for the purpose of providing health care to a new or current patient of the delegating practitioner who certifies that the request is for the purpose of providing health care to or verifying information with respect to a new or current patient of the delegating practitioner, or verifying information with respect to a prescriber, consistent with the requirements of this subchapter;

4. A current medical resident of a medical teaching facility who is authorized to access PMP information and who certifies that the request is for the purpose of providing health care to or verifying information with respect to a new or current patient at the medical teaching facility for whom the residency program has responsibility of care, or verifying information with respect to a prescriber, consistent with the requirements of this subchapter;

5. A current dental resident of a dental teaching facility who is authorized to access PMP information and who cer-