

4. The name and address of the delegating physician, and the name and address of the licensed pharmacist administering the dose, and the immunization location, if different from the pharmacy practice site; and

5. The name and address of the patient's primary care provider, if provided.

(j) The licensed pharmacist shall document in detail and immediately report all clinically significant adverse events to the delegating physician, and to the primary care provider, if identified and if authorized on the informed consent form consistent with (h) above. The licensed pharmacist shall, within 72 hours, report such events to the appropriate government reporting system.

(k) The licensed pharmacist shall provide a copy of all patient related documentation and a copy of the signed informed consent form to each patient receiving an immunization, or to the patient's representative, to the patient's primary care provider, if provided and if authorized on the informed consent form consistent with (h) above, and if applicable, to the appropriate government reporting system.

(l) All documentation and records required to be maintained by this section shall be maintained in either hard copy or electronic form for a period of not less than seven years from the date of most recent entry and shall be supplied to any physician or health care provider upon receipt of a signed patient release of health information form. All records shall be made available to persons authorized to inspect them under State and Federal statutes and regulations. The oldest six years of information shall be maintained in such a manner so as to be retrievable and readable within two weeks. The most recent one year of information shall be retrievable and readable within one business day. Records not currently in use need not be stored in the pharmacy, but the storage facilities shall be secure. Patient records shall be kept confidential.

(m) In the case of immunization programs implemented pursuant to a physician's standing order, a licensed pharmacist shall be supervised by the delegating physician. Supervision by the delegating physician shall be deemed adequate if the delegating physician:

1. Is responsible for formulating or approving a standing order, periodically reviewing the order and the services provided to patients under the order;
2. Is geographically located to be easily accessible to the pharmacy practice site and, if applicable, to the immunization location.
3. Is available through direct telecommunication for consultation, assistance, and direction; and
4. Receives annual status reports on the immunization program as administered by the pharmacist.

New Rule, R.2009 d.104, effective April 6, 2009.
See: 40 N.J.R. 1072(a), 41 N.J.R. 1493(a).

Recodified from N.J.A.C. 13:39-4.20 by R.2010 d.090, effective June 21, 2010.
See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

SUBCHAPTER 5. RETAIL FACILITY REQUIREMENTS

13:39-5.1 Purpose and scope

The rules in this subchapter shall apply to all retail pharmacies, retail pharmacy departments and all institutional pharmacies filling prescriptions for outpatient use. For purposes of this subchapter, "pharmacy" means a retail pharmacy, retail pharmacy department or an institutional pharmacy filling prescriptions for outpatient use.

New Rule, R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Former N.J.A.C. 13:39-5.1, Imprinted prescription blanks, repealed.
Amended by R.2010 d.090, effective June 21, 2010.
See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).
Rewrote the section.

Case Notes

Out-of-state applicant could not be deemed an institutional pharmacy because: (1) the applicant's Wisconsin license stated only that it was a "pharmacy" and did not further describe the licensee as either retail or institutional; (2) the Justice Department registration recognized petitioner as a retail pharmacy; (3) an "institutional pharmacy" under New Jersey regulations must be within a healthcare facility or system licensed as such by the Board; and (4) the New Jersey regulations also state that the term "pharmacy" standing alone indicates a retail pharmacy. Because the applicant was not deemed an institutional pharmacy, its authorization as a Medicaid provider was not proscribed under N.J.A.C. 10:51-2.2(b)1. *Phoenix Pharmacy, Inc. v. DMAHS*, OAL Dkt. No. HMA 03266-07, 2007 N.J. AGEN LEXIS 489, Initial Decision (July 6, 2007).

13:39-5.2 Pharmacy access and egress

Pharmacies shall maintain entrances which are easily and safely accessible to the general public. Access to and egress from the pharmacy shall not be such that the public must traverse or traffic through any area in which prescriptions are prepared.

Recodified from N.J.A.C. 13:39-7.1 and amended by R.2005 d.25, effective January 18, 2005.

See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Rewrote the section. Former N.J.A.C. 13:39-5.2, Lack of directions on original prescription, recodified to N.J.A.C. 13:39-7.2.

13:39-5.3 Pharmacy signs

(a) Pharmacies shall post a sign on the exterior of the building or a sign which is otherwise visible from a public roadway, conspicuously identifying the existence of a pharmacy on the premises, unless prohibited by lease agreement or municipal ordinance. In such case, a copy of the lease or ordinance shall be furnished to the Board.

(b) Pharmacies shall post the hours that the pharmacy is open and the name of the pharmacist-in-charge in plain view at all consumer entrances and consumer access points to the pharmacy, including drive-thru windows and drop-off boxes.

(c) In the case of a pharmacy department, the hours that the department is open and the name of the pharmacist-in-charge shall be posted in plain view at the entrance to the department and at all consumer entrances and consumer access points to the premises, including drive-thru windows and drop-off boxes. When the premises in which the pharmacy department is located maintains different hours of operation from the pharmacy department, all advertising, announcements, signs and statements indicating hours of operation and the presence of the pharmacy department shall clearly and distinctly indicate the hours that the pharmacy department is open.

Recodified from N.J.A.C. 13:39-7.2 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 (a); added (b). Former N.J.A.C. 13:39-5.3. Authorization for renewal of prescriptions, recodified to N.J.A.C. 13:39-7.3.

Amended by R.2009 d.247, effective August 3, 2009.

See: 41 N.J.R. 371(a), 41 N.J.R. 2969(b).

In (b), inserted "hours that the pharmacy is open and the", and substituted "in plain view at all consumer entrances and consumer access points to the pharmacy, including drive-thru windows and drop-off boxes" for "on the entrance to the pharmacy in such a way as to be visible to the public"; and added (c).

Amended by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

In (b) and (c), deleted "registered" preceding "pharmacist-in-charge".

13:39-5.4 Spatial requirement of pharmacy prescription area

(a) For pharmacies in operation prior to July 1, 1963, the space devoted to the prescription area and laboratory shall not be less than 10 percent of the main floor area of the pharmacy, and in no instance shall it be less than 50 square feet. If the main floor area of such pharmacy exceeds 1,200 square feet, the 10 percent requirement does not apply and the minimum requirement for the prescription area shall not be less than 120 square feet.

(b) For all other pharmacies including pharmacies subject to the provisions of (a) above which are moving to a new location, the prescription area must occupy exclusively a minimum of 150 square feet.

Recodified from N.J.A.C. 13:39-7.3 and 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), deleted "or drugstore" following "floor area of the pharmacy"; in (b), deleted "retail" preceding "pharmacies". Former N.J.A.C. 13:39-5.4. Approval of FDA necessary, recodified to N.J.A.C. 13:39-7.5.

13:39-5.5 Prescription counter

Pharmacies shall contain a prescription counter or counters on which to work, and the free working space shall not be less than 18 inches in width and not less than 12 total feet in length. This minimum working surface shall be kept clear at all times for the processing and/or compounding of prescriptions.

Amended by R.1999 d.214, effective July 19, 1999.

See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).

Inserted "or counters" following "counter", and substituted "total" for "continuous" following "12".

Recodified from N.J.A.C. 13:39-7.4 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 the section. Former N.J.A.C. 13:39-5.5, Copies of prescriptions; transfers, recodified to N.J.A.C. 13:39-7.7.

13:39-5.6 Prescription area sink

An adequate sink with hot and cold running water shall be provided in the prescription area, easily accessible to the prescription counter.

Amended by R.1999 d.214, effective July 19, 1999.

See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).

Substituted a reference to anterooms for a reference to rooms.

Recodified from N.J.A.C. 13:39-7.5 and amended by R.2005 d.25, effective January 18, 2005.

See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Deleted "of retail and institutional pharmacies," preceding "easily accessible" in the first sentence, deleted the second sentence. Former N.J.A.C. 13:39-5.6, Record of pharmacist filling prescription, recodified to N.J.A.C. 13:39-7.6.

13:39-5.7 Adequate storage

There shall be sufficient shelf, drawer or cabinet space within the prescription area for proper storage of prescription drugs and chemicals and the minimum equipment required pursuant to N.J.A.C. 13:39-5.8. All prescription drugs and chemicals shall be maintained under adequate storage conditions, including proper lighting, ventilation and temperature control, as recommended by the drug manufacturer.

Recodified from N.J.A.C. 13:39-7.6 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 the section. Former N.J.A.C. 13:39-5.7 Availability of records upon termination of business, recodified to N.J.A.C. 13:39-4.9. Amended by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

Section was "Storage and adequate stock". Inserted the last sentence.

13:39-5.8 Minimum equipment and supplies; cleanliness

(a) All prescription areas shall contain the following minimum equipment and supplies, which shall be stored, so as to be readily accessible:

1. An up-to-date, comprehensive pharmaceutical reference text(s) and suitable current reference texts encompassing the pharmaceutical services provided by the pharmacy, drug interactions, drug product composition and patient counseling. Unabridged electronic versions of such reference texts shall be acceptable;

2. Over the counter Schedule V Record Book or an electronic recording system, as permitted by Federal law pursuant to 21 CFR 1306.26 and 1304.04, to maintain all required information consistent with N.J.A.C. 13:45H-7.19(a)5, if Schedule V controlled substances are sold without a prescription;

3. Permanent prescription filing device and patient profile record system;

4. Storage place of substantial construction, which is capable of being securely locked when the pharmacist is not present in the prescription dispensing area, for Schedule II controlled substances, if not dispersed;

5. Suitable volumetric devices;

6. A steel spatula and a spatula of rubber or composition;

7. Refrigerator, as required by United States Pharmacopoeia Standards, to be used only for the storage of pharmaceuticals;

8. Suitable counting trays or approved counting device;

9. Labels;

10. Auxiliary labels;

11. Two Drug Utilization Review Council Placards and the 29th edition of the list of "Approved Drug Products with Therapeutic Equivalence Evaluations," commonly known as the "Orange Book," incorporated herein by reference, as amended and supplemented. The Orange Book can be obtained by contacting the Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250-7954, (202) 512-1800 or toll free (866) 512-1800, and is available on-line at <http://www.fda.gov/cder/orange/default.htm> and at <http://www.fda.gov/cder/ob/default.htm>;

12. Assorted stock of prescription containers and child safety closures or caps that meet the standards on light resistance, tightness, and water vapor permeation of Chapter 661 and moisture permeability of Chapter 671 of the United States Pharmacopoeia/National Formulary, 2014 edition, which are both incorporated herein by reference, as amended and supplemented, and are available for purchase at the United States Pharmacopoeia/National Formulary website at www.usp.org; and

13. Copies of, or access to, current State statutes and rules relating to the practice of pharmacy.

(b) All prescription areas where non-sterile compounding is performed shall contain the following minimum equipment and supplies, which shall be stored, so as to be readily accessible:

1. Class A prescription balance with a complete set of metric weights or equivalent electronic weighing device;

2. A glass mortar and pestle;

3. Glass funnels;

4. Stirring rods;

5. Ointment tile or parchment paper; and

6. Suppository mold.

(c) The prescription area and all related equipment and supplies shall be kept in a clean, orderly and sanitary condition at all times.

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.196 effective June 21, 1999.

See: 30 N.J.R. 4113(a), 31 N.J.R. 253(a), 31 N.J.R. 1618(a).

In (a), added a reference to equivalent electronic weighing devices at the end of 5, and rewrote 15.

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 1, 2 and 13.

Recodified from N.J.A.C. 13:39-7.7 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 the section. Former N.J.A.C. 13:39-5.8 Prescriptions and medication orders transmitted by technological devices in an institution, recodified to N.J.A.C. 13:39-9.27.

Amended by R.2009 d.247, effective August 3, 2009.

See: 41 N.J.R. 371(a), 41 N.J.R. 2969(b).

In (a)4, substituted "Storage place of substantial construction, which is capable of being securely locked when the pharmacist is not present in the prescription dispensing area," for "Securely locked, substantially constructed storage place", and inserted a comma following "substances".

Amended by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

Section was "Minimum equipment and facilities". Rewrote the introductory paragraph of (a), (a)1, (a)2 and (a)5; deleted former (a)6 through (a)9; recodified (a)10 as (a)6; deleted former (a)11; recodified former (a)12 through (a)15 as (a)7 through (a)10; in (a)10, deleted ", including poison labels" from the end; deleted (a)16; recodified (a)17 and (a)18 as (a)11 and (a)12; rewrote (a)11 and (a)12; and added (a)13, (b), and (c).

Administrative change.

See: 43 N.J.R. 1204(b).

Amended by R.2015 d.001, effective January 5, 2015.

See: 46 N.J.R. 1413(a), 47 N.J.R. 120(a).

In (a)11, deleted ", consistent with Department of Health and Senior Services rules set forth at N.J.A.C. 8:71-1" following "supplemented"; and rewrote (a)12.

13:39-5.9 Prescription balances, scales, weights and automatic counting devices

(a) All pharmacies shall have all balances, scales, weights and automatic counting devices inspected every 12 months by the Department of Weights and Measures of the municipality or county in which the pharmacy is located, and such balances, scales, weights and automatic counting devices shall be properly sealed by the applicable authority.

(b) Counting trays or counting devices that meet the requirements of (a) above shall be used to count oral, solid drugs or medications.

The following annotation applies to N.J.A.C. 13:39-5.9 prior to its repeal by R.2010 d.090:

Recodified from N.J.A.C. 13:39-7.8 by R.2005 d.25, effective January 18, 2005.

See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Former N.J.A.C. 13:39-5.9, Labeling, recodified to N.J.A.C. 13:39-7.12.

The following annotations apply to N.J.A.C. 13:39-5.9 subsequent to its recodification from N.J.A.C. 13:39-5.11 by R.2010 d.090:

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. 13:39-7.11 and amended by R.2005 d.25, effective January 18, 2005.

See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Recodified from N.J.A.C. 13:39-5.11 and amended by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

Inserted designation (a); in (a), deleted "or other Board-licensed establishment" following "pharmacy"; and added (b). Former N.J.A.C. 13:39-5.9, Cleanliness, orderliness and sanitation, repealed.

13:39-5.10 Restriction on storage of prescription legend drugs and controlled dangerous substances

(a) Prescription legend drugs, devices and controlled dangerous substances shall not be stored in the pharmacy or pharmacy department in such a manner as to be accessible to the public.

(b) Prescription legend drugs, devices and controlled dangerous substances shall be stored only in areas of the premises that are part of the pharmacy or pharmacy department, except that in a health care facility, prescription legend drugs, devices and controlled dangerous substances shall be stored consistent with the requirements of N.J.A.C. 13:39-9.23.

(c) Prescription legend drugs, devices and controlled dangerous substances that are received during hours the pharmacy or pharmacy department is closed shall be stored consistent with the requirements of N.J.A.C. 13:39-4.15(b)3.

The following annotations apply to N.J.A.C. 13:39-5.10 prior to its repeal by R.2010 d.090:

Amended by R.1999 d.214, effective July 19, 1999.

See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).

Inserted references to pharmacy training and patient counseling. Recodified from N.J.A.C. 13:39-7.9 by R.2005 d.25, effective January 18, 2005.

See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Former N.J.A.C. 13:39-5.10, Procedures for Centralized Prescription Handling, recodified to N.J.A.C. 13:39-4.18.

The following annotations apply to N.J.A.C. 13:39-5.10 subsequent to its recodification from N.J.A.C. 13:39-5.12 by R.2010 d.090:

Recodified from N.J.A.C. 13:39-6.5 and amended by R.2005 d.25, effective January 18, 2005.

See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Substituted "stored" for "displayed" following "shall not be" and substituted "pharmacy" for "licensed establishment" preceding "in such a manner".

Amended by R.2009 d.247, effective August 3, 2009.

See: 41 N.J.R. 371(a), 41 N.J.R. 2969(b).

Inserted designation (a); in (a), inserted "or pharmacy department" and substituted "as to" for "that they can"; and added (b).

Recodified from N.J.A.C. 13:39-5.12 and amended by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

Rewrote (b); and added (c). Former N.J.A.C. 13:39-5.10, Television in prescription area prohibited, repealed.

13:39-5.11 (Reserved)

Recodified to N.J.A.C. 13:39-5.9 by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

Section was "Prescription balances, scales, weights and automatic counting devices".

13:39-5.12 (Reserved)

Recodified to N.J.A.C. 13:39-5.10 by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

Section was "Restriction on storage of prescription legend drugs and controlled dangerous substance".

13:39-5.13 Prescription drug retail price list

(a) A pharmacy shall comply with all requirements imposed by, and all requests for information from, the Division of Consumer Affairs concerning prescription drug retail price lists as provided in N.J.A.C. 13:45A-32.1.

(b) Failure on the part of a pharmacy to comply with the requirements of N.J.A.C. 13:45A-32.1 may subject the permit holder and/or the pharmacist in charge to disciplinary action pursuant to N.J.S.A. 45:1-21 et seq.

New Rule, R.2011 d.168, effective June 20, 2011.

See: 42 N.J.R. 1327(a), 43 N.J.R. 1424(b).

**SUBCHAPTER 6. PHARMACIST-IN-CHARGE;
PHARMACY PERSONNEL**
13:39-6.1 Purpose and scope

The rules in this subchapter shall apply to all pharmacies and pharmacy departments in the State. For purposes of this subchapter, "pharmacy" means a retail pharmacy or a retail pharmacy department, an institutional pharmacy or a nuclear pharmacy.

New Rule, R.2005 d.25, effective January 18, 2005.

See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Former N.J.A.C. 13:39-6.1, Professional judgment in dispensing drugs, recodified to N.J.A.C. 13:39-7.13.

13:39-6.2 Pharmacist-in-charge

(a) Every pharmacy shall name a pharmacist whose license is in good standing in New Jersey as the pharmacist-in-charge of the pharmacy. No pharmacy shall operate without a pharmacist-in-charge for longer than 30 days.

(b) Whenever the pharmacist-in-charge is absent from the pharmacy for more than 30 days, the pharmacist-in-charge and the permit holder shall notify the Board of the name of the pharmacist who shall act as the interim pharmacist-in-charge.

(c) A pharmacist shall not assume the responsibilities of a pharmacist-in-charge of more than one pharmacy or pharmacy department simultaneously, except as provided in (c)1 below.

1. If an area within a health care facility is permitted as both an institutional pharmacy and a retail pharmacy, the health care facility may employ one individual to act as the pharmacist-in-charge for both the institutional pharmacy and the retail pharmacy.

(d) Whenever there is a change of a pharmacist-in-charge of a pharmacy, an inventory of all controlled dangerous substances as defined in N.J.A.C. 13:45H-10.1 through 10.5 shall be performed consistent with the requirements of N.J.A.C. 13:45H-5.4 and 5.5.

(e) Whenever a pharmacist assumes or terminates the duties as a pharmacist-in-charge of a pharmacy, the pharmacist-in-charge and the permit holder shall so advise the Board in writing within 30 days by completing a form provided by the Board.

(f) A pharmacist-in-charge shall be a full-time employee, employed for a minimum of 35 hours per week and shall be physically present in the pharmacy or pharmacy department for that amount of time necessary to supervise and ensure that:

1. The pharmacy is staffed by sufficient, competent personnel in keeping with the size, scope and complexity of the pharmaceutical services provided by the pharmacy;

2. Accurate records of all prescription medication received and dispensed are maintained;

3. Policies are in place regarding accurate dispensing and labeling of prescriptions and that such policies are followed;

4. Security of the prescription area and its contents are maintained at all times consistent with the requirements set forth in N.J.A.C. 13:39-4.14;

5. Only pharmacists and interns or externs under immediate personal supervision provide professional consultation with patients and physicians;

6. Only pharmacists, interns or externs accept telephone prescriptions and only pharmacists, interns or externs, or pharmacy technicians consistent with the requirements of N.J.A.C. 13:39-6.6(b), accept renewal authorizations;

7. No misbranded, deteriorated, adulterated, improperly stored or outdated drugs or any drugs marked "sample" or with any like designation or meaning are dispensed or present in the active stock in the pharmacy;

8. The prescription area is maintained in an orderly and sanitary manner; and

9. The pharmacy and all pharmacy personnel provide pharmaceutical services in accordance with acceptable professional standards and comply with all Federal and State statutes, rules and regulations governing the practice of pharmacy.

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 (c), through (e), substituted references to registered pharmacist-in-charge for references to pharmacist-in-charge.

Amended by R.2004 d.380, effective October 4, 2004.

See: 36 N.J.R. 11(a), 36 N.J.R. 4480(a).

In (e), deleted existing 8, recodified former 9 to 14 as 8 to 13.

Recodified from N.J.A.C. 13:39-3.18 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 the section. Former N.J.A.C. 13:39-6.2, Prescription prepared, compounded or dispensed by pharmacy externs or interns, recodified to N.J.A.C. 13:39-6.5.

Amended by R.2009 d.247, effective August 3, 2009.

See: 41 N.J.R. 371(a), 41 N.J.R. 2969(b).

Rewrote (f)4.

Amended by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

Section was "Registered pharmacist-in-charge". Deleted "registered" preceding "pharmacist-in-charge" throughout; in (a), substituted "whose license is" for "licensed and"; in (b), the introductory paragraph of (c) and in (e), deleted "registered" preceding "pharmacist"; in the introductory paragraph of (c), inserted ", except as provided in (c)1 below"; added (c)1; in (d) and (e), deleted "or other Board-licensed establishment" following "pharmacy"; rewrote (f)1; and in (f)9, inserted "provide pharmaceutical services in accordance with acceptable professional standards and".

Administrative change.

See: 43 N.J.R. 1204(b).

13:39-6.3 Identification tag

All personnel working in the pharmacy, except personnel engaging in the compounding of sterile preparations consistent with the requirements of N.J.A.C. 13:39-11, shall wear an identification tag, which shall include at least the person's first name, first initial of their last name and job title. The identification tag of any employee in training shall reflect the status of the employee as a trainee.

Repealed by R.1994 d.351, effective July 18, 1994.

See: 26 N.J.R. 1596(a), 26 N.J.R. 2905(b).

Section was "Sale of controlled dangerous substances and prescription legend drugs by other than a registered pharmacist in a Board-licensed establishment".

New Rule, R.1998 d.166, effective April 6, 1998.

See: 29 N.J.R. 5051(a), 30 N.J.R. 1297(b).

Amended by R.2005 d.25, effective January 18, 2005.

See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Rewrote the section.

Amended by R.2007 d.283, effective September 4, 2007.

See: 38 N.J.R. 3137(a), 39 N.J.R. 3774(b).

Inserted the final sentence.

Amended by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

Rewrote the section.

13:39-6.4 Meal or restroom breaks

(a) A sole pharmacist on duty may take restroom breaks and 30-minute meal breaks while working in a pharmacy consistent with the following requirements:

1. The pharmacist shall remain in the pharmacy or, in the case of a pharmacy department, in the pharmacy department building, and shall be accessible for emergencies or for counseling, if requested;

2. The pharmacy shall remain open during the restroom or meal breaks, provided a pharmacy employee remains present in the pharmacy, for patient related services, which include, but are not limited to, the following:

- i. The receipt of new written prescriptions; and
- ii. The dispensing of prescription medications which have been checked by the pharmacist; and

3. A sign shall be posted in the prescription dispensing area stating "Pharmacist on break, but available for emergencies and counseling."

New Rule, R.2005 d.25, effective January 18, 2005.

See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Former N.J.A.C. 13:39-6.4, Direct supervision of dispensing and compounding, repealed.

Amended by R.2009 d.247, effective August 3, 2009.

See: 41 N.J.R. 371(a), 41 N.J.R. 2969(b).

Section was "Meal breaks". In the introductory paragraph of (a), substituted "restroom breaks and" for the first occurrence of "a" and substituted "meal breaks" for "meal break"; in the introductory paragraph of (a)2, inserted "restroom or" and substituted "breaks, provided a pharmacy employee remains present in the pharmacy," for "break"; and in (a)3, substituted "prescription dispensing area" for "pharmacy" and deleted "meal" preceding "break".

13:39-6.5 Prescription handling by pharmacy externs, pharmacy interns, pharmacy technicians, pharmacy technician applicants, or unlicensed or unregistered personnel

(a) A pharmacy intern, pharmacy extern, pharmacy technician, or pharmacy technician applicant in any pharmacy may perform the component functions of prescription handling described in N.J.A.C. 13:39-4.19, consistent with the requirements of this chapter. On or after April 5, 2011, all steps performed by a pharmacy technician, pharmacy technician applicant, pharmacy intern, or pharmacy extern shall

be documented in the pharmacy audit trail consistent with the requirements of N.J.A.C. 13:39-7.6.

(b) Pharmacy interns and pharmacy externs may assist the pharmacist in performing the following tasks:

1. Retrieval of prescription files, patient files, and profiles and other such records pertaining to the practice of pharmacy;
2. Data entry of prescription medication information, including the original or refill date of the prescription, the number or designation identifying the prescription, the practitioner's information, and the name, strength, and quantity of the prescribed medication;
3. The collection of the following demographic information for the patient profile: the name, address, and telephone number of the patient; the patient's age, date of birth; or age group (infant, child, adult); gender; any allergies and idiosyncrasies of the patient; and any medical conditions that may relate to drug utilization;
4. Transcription of scanned prescription or medication order information into the patient record;
5. Label preparation;
6. The counting, weighing, measuring, pouring, and compounding of prescription medication or stock legend drugs and controlled substances, including the filling of an automated medication system; and
7. Accepting authorization from a patient for a prescription refill, or from a practitioner or his or her agent for a prescription renewal, provided that the prescription remains unchanged.

(c) The collection of the demographic information under (b)3 above may be performed by unlicensed or unregistered personnel.

Recodified from N.J.A.C. 13:39-6.2 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 the section. Former N.J.A.C. 13:39-6.5 Restriction on display of prescription legend drugs and, recodified to N.J.A.C. 13:39-5.12. Amended by R.2009 d.293, effective October 5, 2009.

See: 41 N.J.R. 1637(a), 41 N.J.R. 3840(a).

Section was "Prescription prepared or compounded by pharmacy externs, interns or pharmacy technicians". Rewrote the section.

Amended by R.2010 d.090, effective June 21, 2010.

See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

Rewrote the section.

Amended by R.2013 d.098, effective August 5, 2013.

See: 45 N.J.R. 201(a), 45 N.J.R. 1919(b).

Section was "Prescription handling by pharmacy externs, interns or pharmacy technicians". Inserted designation (a); rewrote (a); and added (b) and (c).

13:39-6.6 Pharmacy technician registration and pharmacy technician applicants

(a) A person wishing to be registered with the Board as a pharmacy technician shall:

1. Be 18 years of age or older;
2. Possess a high school diploma or its equivalent;
3. Submit a certification attesting to the fact that he or she is proficient in written and spoken English;
4. Apply to the Board for registration and submit the application fee set forth in N.J.A.C. 13:39-1.3;
5. Submit his or her name, address and fingerprints for purposes of a criminal history background check pursuant to N.J.S.A. 45:1-28 et seq., (P.L. 2002, c. 104) to determine whether criminal history record information exists which may disqualify the applicant from being registered by the Board; and
6. Submit, as part of the application for registration, evidence of good moral character which is an ongoing requirement for registration, and evidence that he or she:
 - i. Is not presently engaged in drug or alcohol use that is likely to impair the ability to practice as a pharmacy technician with reasonable skill and safety. For purposes of this section, the term "presently" means at the time of application or any time within the previous 365 days;
 - ii. Has not been convicted of violating any law of this State or any other state of the United States relating to controlled dangerous substances or other habit-forming drugs;
 - iii. Has not been convicted of violating any law relating to the practice of pharmacy;
 - iv. Has not been convicted of a crime involving moral turpitude; and
 - v. Has not had his or her authority to engage in the activity regulated by the Board suspended or revoked as a result of any administrative or disciplinary proceedings in this or any other jurisdiction which determined the applicant to be in violation of any laws, rules or regulations pertaining to the practice of pharmacy, and that the applicant is not currently under suspension or revocation.

(b) By March 2, 2008, a pharmacy shall only employ a person registered with the Board as a pharmacy technician pursuant to (a) above, or a pharmacy technician applicant, consistent with (c) below, to perform pharmacy technician functions.

(c) By March 2, 2008, any person who is hired as a pharmacy technician who is not registered with the Board shall be designated a pharmacy technician applicant. A person may only be considered a pharmacy technician applicant one time and only for a maximum of 180 consecutive days. During the first 10 days of employment, the pharmacy technician applicant shall file an application with the Board to begin the pharmacy technician registration process. The applicant shall retain proof of filing the application until he or she receives his or her registration. If at the conclusion of the