CHAPTER 39

STATE BOARD OF PHARMACY

Authority

N.J.S.A. 45:1-15.1 and 45:14-1 et seq.

Source and Effective Date

R.2005 d.25, effective December 10, 2004
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Chapter Expiration Date

Chapter 39, State Board of Pharmacy, expires on December 10, 2009.

Chapter Historical Note

Chapter 39, State Board of Pharmacy, was adopted and became effective prior to September 1, 1969.

Chapter 39, State Board of Pharmacy, was repealed and adopted as new rules by R.1989 d.314, effective June 19, 1989. See: 20 N.J.R. 1648(a), 21 N.J.R. 1712(a).

Pursuant to Executive Order No. 66(1978), Chapter 39, State Board of Pharmacy, was readopted as R.1994 d.351, effective June 16, 1994. See: 26 N.J.R. 1596(a), 26 N.J.R. 2905(b), 26 N.J.R. 3878(a).

Pursuant to Executive Order No. 66(1978), Chapter 39, State Board of Pharmacy, was readopted as R.1999 d.214, effective June 16, 1999. See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).

Subchapter 10, Automated Medication Systems, was adopted as R.2000 d.28, effective January 18, 2000. See: 31 N.J.R. 2293(b), 32 N.J.R. 317(a).

Subchapter 3A, Continuing Education, was adopted as R.2003 d.130, effective March 17, 2003. See: 34 N.J.R. 1089(a), 35 N.J.R. 1433(a).

Chapter 39, State Board of Pharmacy, was readopted as R.2005 d.25, effective December 10, 2004. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:39-1.1 Purpose and scope

(a) This chapter is promulgated by the New Jersey State Board of Pharmacy. The rules contained in this chapter implement the provisions of the Pharmacy Act, N.J.S.A. 45:14-1 et seq. and regulate the practice of pharmacy within the State of New Jersey.

(b) This chapter shall apply to all registered pharmacies, pharmacists, pharmacist applicants, interns, externs, pharmacy technicians and anyone within the jurisdiction of the Board 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.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
In (b), substituted "pharmacy technicians" for "supportive personnel" preceding "and anyone within the jurisdiction".

Case Notes

Violations of N.J.A.C. 13:39-8.14(b)2, 10 and 13 found as controlled substances records were improperly kept, misbranded drugs were in pharmacy and drugs were improperly stored, respectively; penalties (also cited as N.J.A.C. 13:39-8.12). New Jersey State Bd. of Pharmacy v. Yanuzzi, 4 N.J.A.R. 489 (1981).

13:39-1.2 Definitions

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

"Address of record" means an address designated by a licensee or registrant. "Address of record" may be a licensee's or registrant's home, business or mailing address, but shall not be a post office box unless the licensee or registrant also provides another address which includes a street, city, state and zip code.

"Authorized prescriber" means a licensed practitioner who is authorized by law to write prescriptions and/or medication orders.

"Board" means the New Jersey State Board of Pharmacy.

"Compounding" means the act of preparing pharmaceutical components into medications, pursuant to an authorized prescriber's prescription or medication order, including, but not limited to prescription compounding, and intravenous admixture preparation.

"Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component part or accessory, which is required under Federal or State law to be prescribed by an authorized prescriber and dispensed by a pharmacist, in the usual scope of pharmacy practice.

"Dispense or dispensing" means the procedure entailing the interpretation of an authorized prescriber's prescription order for a drug or device, and pursuant to that order, the proper selection, measuring, labeling, and packing in a proper container. The act of dispensing shall include all necessary consultation by the pharmacist.

"Drug or medicine" means:

1. Articles recognized in the official United States Pharmacopoeia/National Formulary, official Homeopathic Pharmacopoeia of the United States, or any official supplement to any of them;

2. Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings or animals;

3. Articles (other than food) intended to affect the structure of any function of the body of human beings or animals; and

4. Articles intended for use as components of any article specified in 1, 2 or 3 above, but not including devices or their components, parts or accessories.

"Immediate personal supervision" means that the registered pharmacist is physically present in the compounding/dispensing area when interns, externs and pharmacy technicians are performing delegated duties, and the pharmacist conducts any necessary in-process checks and the final check in preparation and compounding of medications, including the checking of each ingredient used, the quantity of each ingredient whether weighed, measured or counted, and the finished label.

"Legend drug or device" means any drug or device that:

1. Bears, at a minimum, the symbol "Rx only" or words of similar import; and/or

2. Requires a prescription or order by an authorized prescriber.

"Licensed practitioner" means a duly licensed physician, dentist, optometrist, veterinarian, certified nurse midwife, nurse practitioner/clinical nurse specialist or physician assistant, or other health care practitioner licensed or approved to write prescriptions intended for the treatment or prevention of disease, as set forth in N.J.S.A. 45:14-14.

"Pharmaceutical services" means all services provided by a registered pharmacist. These services shall be concerned with, but not limited to: interpreting the prescription or medication order; selecting, preparing, compounding, packaging, labelling, distributing and dispensing prescribed drugs; the proper and safe storage of drugs; the monitoring of drug therapy; the reporting and recording of adverse drug reactions and the provision of appropriate drug information; teaching and counselling on the proper and safe use of drugs and medications.

"Pharmacy technician" means an individual employed by a pharmacy whose responsibilities do not require professional judgment in the preparation and distribution of medications and who works under the immediate personal supervision of a pharmacist in compliance with N.J.A.C. 13:39-6.15. For purposes of this definition, interns, externs, cashiers, stocking and clerical help are not pharmacy technicians.

"Prescription" means any order for drugs and related items as defined in N.J.S.A. 45:14-14.

"Professional judgment" means judiciousness and discretion based upon thorough knowledge and sound application of the specialized body of knowledge peculiar to the practice of pharmacy, and an understanding of the relationship of this knowledge and its application to the well-being of the patient and to the judgment of the prescriber.

"Registered pharmacist" or "pharmacist" means a person whose license is in good standing for the current license renewal period.

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).
Inserted "Address of record"; in "Legend drug or device", rewrote 1; rewrote "Licensed practitioner"; and in "Registered pharmacist" or "pharmacist", substituted a reference to licenses for a reference to certificates, and substituted a reference to the current license renewal period for a reference to the current registration period.
Amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Rewrote "Address of record", added "Immediate personal supervision" and "Pharmacy technician", deleted "Direct supervision" and "Supportive personnel".
Amended by R.2007 d.283, effective September 4, 2007.
See: 38 N.J.R. 3137(a), 39 N.J.R. 3774(b).
In definition "Address of record", inserted "or registrant" twice and inserted "or registrant's"; and in definition "Pharmacy technician", updated the N.J.A.C. reference.

13:39-1.3 Fee schedule

(a) The following fees shall be charged by the Board:

1. For pharmacists as follows:

i.	Application for licensure	125.00.
ii.	Verification of licensure	25.00.
iii.	Application for reciprocity	125.00.
iv.	Application for reinstatement	
	(1) Disciplinary suspension	225.00.
	(2) Administrative suspension	(To be determined by future rulemaking)
v.	Initial licensure fee	
	(1) If paid during the first year of a biennial renewal period	140.00.
	(2) If paid during the second year of a biennial renewal period	70.00.
vi.	Biennial license renewal	140.00.
vii.	Replacement biennial license	25.00.
viii.	Inactive license renewal	(To be determined by future rulemaking)
ix.	Late renewal fee	100.00.
x.	Replacement of initial wall license	40.00.
xi.	Continuing education review fee	10.00.
xii.	Continuing education program or course: sponsor review fee	50.00.
xiii.	Yearly fee for distribution of minutes and agenda	60.00.

2. For pharmacies as follows:

i.	Pharmacy permits	
	(1) Application for permit	275.00.
	(2) Annual permit renewal	175.00.
	(3) Change of ownership/name	275.00.
	(4) Change of location	275.00.
ii.	Replacement of annual permit	25.00.
iii.	Late renewal fee	100.00.
iv.	Verification of permit	25.00.

3. For pharmacy technicians as follows:

i.	Application for registration	$50.00;
ii.	Initial registration fee:	
	(1) If paid during the first year of a biennial renewal period	$70.00;
	(2) If paid during the second year of a biennial renewal period	$35.00;
iii.	Biennial registration renewal	$70.00;
iv.	Replacement biennial registration	$25.00;
v.	Late renewal fee	$25.00;
vi.	Verification of registration	$25.00; and
vii.	Reinstatement fee:	
	(1) Disciplinary suspension	$125.00;
	(2) Administrative suspension	(To be determined by future rulemaking).

Amended by R.1993 d.414, effective August 16, 1993.
See: 25 N.J.R. 1666(a), 25 N.J.R. 3839(a).
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)1, rewrote ii, substituted a reference to licensure fees for a reference to registration fees in the introductory paragraph of v, substituted a reference to license renewal for a reference to registration in vi, substituted a reference to biennial licenses for a reference to registration certificates in vii, and substituted a reference to licenses for a reference to certificates in x.
Amended by R.2003 d.130, effective March 17, 2003.
See: 34 N.J.R. 1089(a), 35 N.J.R. 1433(a).
In (a)xii, added "or course" and substituted "sponsor" for "provider".
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).
Added (a)3.

13:39-1.4 Payment of penalties

(a) Any penalties levied by the Board shall be paid within 10 calendar days of the finalization of a penalty letter or final order of the Board unless otherwise prescribed by statute or terms of a final order.

(b) Failure to comply with this rule may result in action by the Board according to the provisions of N.J.S.A. 45:1-24.

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

13:39-1.5 Opportunity to be heard

(a) Any time the Board seeks to impose a disciplinary sanction upon a licensee, the licensee may request an opportunity to be heard by the Board.

(b) When demonstrated facts are in dispute, a hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

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.

SUBCHAPTER 2. LICENSURE REQUIREMENTS

13:39-2.1 Examinations; score

(a) The examination for licensure by the Board shall be the North American Pharmacist Licensure Examination (NAPLEX). An applicant shall attain a passing score of not less than 75. If an applicant fails the examination, he or she shall be required to repeat the examination.

(b) The holder of a permit to operate a pharmacy department and the registered pharmacist-in-charge of the department shall comply with all requirements in this chapter and shall also be subject to the following additional requirements:

1. The pharmacy department shall be constructed so as to enable the closing off and securing of the department from the main store area. The department shall be separated from the main store area by a secured barrier or partition extending from the floor or fixed counter to the ceiling of either the department or main store and attached thereto. Any entrance to the pharmacy department shall be capable of being locked and connected to a security device or other Board approved security system.

2. The registered pharmacist on duty shall be responsible for keeping the pharmacy department secure and locked and the alarm system turned on at all times when he or she is not present within the department, except as provided in N.J.A.C. 13:39–6.4, and shall be responsible for the security of the keys to the department.

3. All medications requiring supervision of a pharmacist, including dispensed medication, shall remain within the confines of the department when the pharmacist is not in the pharmacy department.

4. The hours that the department is open and the name of the registered pharmacist-in-charge shall be posted in plain view at the entrance to the department and at the public entrance to the enterprise containing the department.

5. When the enterprise in which the department is located maintains different store hours from the pharmacy department, all advertising, announcements, signs or statements indicating store hours and the presence of the pharmacy department shall clearly and distinctly indicate the hours that the department is open.

6. The pharmacy department shall have a published telephone number different from that of the establishment in which the department is located. No extensions of this phone shall be located outside the department.

7. The telephone number of the registered pharmacist-in-charge shall be available in the office of the manager of the establishment.

8. There shall be provided a secure area for the receiving of prescription drugs from suppliers. No prescription drug shall be accepted from any supplier during the hours the pharmacy department is closed unless adequate security for the storage of department shipments has been provided.

9. If a drop-off device is utilized for prescriptions it shall be of a one-way, irretrievable design.

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 (b), substituted references to registered pharmacists-in-charge for references to pharmacists-in-charge in 2 and 8.
Recodified from N.J.A.C. 13:39–4.15 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. 13:39–4.14, Contract pharmaceutical services, recodified to N.J.A.C. 13:39–9.4.

13:39–4.15 Permits; specialized permits

(a) The Board may issue a special permit, wherein the type of service is of a limited nature. The permit so issued, being based on special conditions of use imposed by the Board, may necessitate the waiver of certain rule requirements.

(b) Specialized permits shall pertain to pharmacies providing specific services as may be necessary and proper to efficiently meet a limited public need for pharmaceutical services. An applicant for any specialized pharmacy permit shall provide the Board with an application and a policy and procedure manual which sets forth a detailed description of the type of specialized pharmacy services to be provided within the pharmacy practice. The policy and procedure manual shall also contain detailed provisions which ensure the protection of the public welfare as determined by the Board.

Recodified from N.J.A.C. 13:39–4.16 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. 13:39–4.15, Retail permit; prescription department or pharmacy department, recodified to N.J.A.C. 13:39–4.14.

13:39–4.16 Steering prohibited

It shall be unlawful for a pharmacy permit holder to enter into an arrangement with a health care practitioner who is licensed to issue prescriptions for the purpose of directing or diverting patients to or from a specified pharmacy or restraining in any way a patient's freedom of choice to select a pharmacy.

Recodified from N.J.A.C. 13:39–4.17 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. 13:39–4.16, Permits; specialized permits, recodified to N.J.A.C. 13:39–4.15.

13:39–4.17 Responsibilities of permit holders

(a) All permit holders shall be responsible for compliance with all the rules, regulations and laws governing the practice of pharmacy.

(b) Any permit holder may be held liable for violations of the Pharmacy Act, N.J.S.A. 45:14–1 et seq., and the rules in this chapter and may be subject to disciplinary action.

Recodified from N.J.A.C. 13:39–4.18 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. 13:39–4.17, Steering prohibited, recodified to N.J.A.C. 13:39–4.16.

13:39–4.18 Procedures for centralized prescription handling

(a) The four component functions of handling a prescription are intake, processing, fulfillment and dispensing.

(b) Central prescription handling entails two or more licensed pharmacies sharing responsibility for performing the four component functions of handling a prescription.

(c) The following pharmacies may engage in central prescription handling: an intake or originating pharmacy; a central processing pharmacy; a central fill pharmacy; and a dispensing pharmacy. The four component functions of handling a prescription shall be performed by the following pharmacies:

1. An intake or originating pharmacy, which is a licensed pharmacy that received the patient's or prescribing practitioner's request to fill or refill a prescription. A central processing pharmacy or a central fill pharmacy, as delineated in (c)2 and 3 below, may be considered the intake or originating pharmacy if the prescription was transmitted by the prescribing practitioner directly to the centralized pharmacy as provided in N.J.A.C. 13:39–5.8A and 5.8B or if the patient requested the refill from that pharmacy;

2. A central processing pharmacy, which is a licensed pharmacy that engages in prescription review by performing functions that may include, but are not limited to, data entry, prospective drug review, refill authorizations, interventions, patient counseling, claims submission, claims resolution and adjudication;

3. A central fill pharmacy, which is a licensed pharmacy engaging in central prescription handling by filling and/or refilling prescriptions which includes the preparation and packaging of the medication; and

4. A dispensing pharmacy, which is a licensed pharmacy that receives the processed prescription and/or the filled or refilled prescription for dispensing to the patient or to the patient's authorized representative.

(d) Two or more of the licensed pharmacies delineated in (c) above may engage in central prescription handling provided:

1. Any or all of the pharmacies participating in central prescription handling have a contractual agreement to provide such services or have the same owner;

2. Prior to engaging in central prescription handling, all pharmacies that are parties to the central prescription handling obtain Board approval. The pharmacies shall make a single application to the Board, delineating the scope of practice of each pharmacy and the specific rules in this chapter with which each pharmacy shall comply;

3. An audit trail is maintained that records and documents the name(s) or other personal identifier(s) of the pharmacist(s) or pharmacy technician(s) and the component function(s) performed by each, at the time the functions are performed, for each step of prescription handling. The audit trail shall be maintained for not less than five years from the date the prescription is filled or refilled. The oldest four 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;

4. The dispensed prescription for any product bears a permanently affixed label with at least the following information:

i. The brand name or generic name, and if generic, the name of the manufacturer;

ii. The strength of medication, where applicable;

iii. The quantity dispensed;

iv. The date upon which prescription medication is dispensed;

v. A CDS cautionary label, where applicable and when permitted by law;

vi. The patient name;

vii. The prescriber name;

viii. The prescription number;

ix. Directions for use;

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

xi. All auxiliary labeling as recommended by the manufacturer and/or as deemed appropriate in the professional judgment of the dispensing pharmacist; and

xii. The name, address and telephone number of any or all of the following:

(1) The intake pharmacy;

(2) The central processing pharmacy;

(3) The central fill pharmacy; and/or

(4) The dispensing pharmacy;

5. The patient name, the brand or generic name of the medication, and the directions for use 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 (d)4 above;

6. The patient is provided with written information, either on the prescription label or with the prescription container, that indicates which pharmacy to contact if the patient has any questions about the prescription or the medication. The written information provided to the patient shall be in bold print, easily read, and shall include the hours a pharmacist is available and a telephone number where a pharmacist may be reached. The telephone service shall be available at no cost to the pharmacy's primary patient population;

7. All pharmacies that are to engage in central prescription handling maintain a common policies and procedures manual which designates who shall be responsible for each of the component functions of handling the prescription and for ensuring compliance with the Board rules set forth in this chapter. The policies and procedures manual shall also include maintenance of the audit trail required by (d)3 above. The policies and procedures manual shall be made available to the Board upon request;

8. All pharmacies that are to engage in central prescription handling share a common electronic file; and

9. All pharmacies that are to engage in central prescription handling are responsible for ensuring that the prescription has been properly filled.

(e) A prescription for a controlled substance may be filled or refilled by pharmacies engaging in central prescription handling when permitted by law, consistent with Federal requirements set forth at 21 C.F.R. §§ 1300 et seq.

New Rule, R.2004 d.380, effective October 4, 2004.
See: 36 N.J.R. 11(a), 36 N.J.R. 4480(a).
Recodified from N.J.A.C. 13:39–5.10 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. 13:39–4.18, Responsibilities of pharmacists and permit holders, recodified to N.J.A.C. 13:39–4.17.

SUBCHAPTER 5. RETAIL FACILITY REQUIREMENTS

13:39–5.1 Purpose and scope

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

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.

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 name of the registered pharmacist-in-charge on the entrance to the pharmacy in such a way as to be visible to the public.

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.

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 Storage and adequate stock

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.

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.

13:39–5.8 Minimum equipment and facilities

(a) The following minimum equipment and facilities shall be required to be in every prescription area, and this equipment shall be stored so as to be readily accessible and shall be kept in a clean condition:

1. An up-to-date, comprehensive pharmaceutical reference text(s) and suitable current reference texts encompassing the general practice of pharmacy, drug interactions, drug product composition and patient counseling. Unabridged computerized versions of these reference texts shall be acceptable;

2. Over the counter Schedule V Record Book, if Schedule V medication is sold without a prescription;

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

4. Securely locked, substantially constructed storage place for Schedule II controlled substances if not dispersed;

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

6. Volumetric devices capable of measuring 0.3 ml to 500 ml;

7. A glass mortar and pestle;

8. Glass funnels;

9. Stirring rods;

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

11. Ointment tile or parchment paper;

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

13. Suitable counting trays or approved counting device;

14. Labels;

15. Auxiliary labels, including poison labels;

16. Suppository mold;

17. Two Drug Utilization Review Council Placards and the current Drug Utilization Review Council Formulary; and

18. Assorted stock of prescription containers and child safety closures or caps.

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.

13:39–5.9 Cleanliness, orderliness and sanitation

The entire prescription area shall at all times be kept in a clean, orderly and sanitary condition.

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.

13:39–5.10 Television in prescription area prohibited

No commercial television, other than for security measures, pharmacy training or patient counseling, may be operated in a prescription area or in any location outside of a prescription area such that its operation may be viewed from the prescription area.

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.

13:39–5.11 Prescription balances, scales, weights and automatic counting devices

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 or other Board-licensed establishment is located, and such balances, scales, weights and automatic counting devices shall be properly sealed by the applicable authority.