

**Cross References**

Oral prescriptions, see N.J.A.C. 8:65-7.13.

**8:65-7.6 Persons entitled to fill prescriptions**

A prescription for controlled substances may only be filled by a pharmacist acting in the usual course of his professional practice and either registered individually or employed in a registered pharmacy or registered institutional practitioner.

**8:65-7.7 Administering or dispensing of narcotic drugs**

(a) The administering or dispensing directly (but not prescribing) of narcotic drugs listed in any schedule to a narcotic drug dependent person for "detoxification treatment" or "maintenance treatment" as defined in N.J.A.C. 8:65-11.1 shall be deemed to be within the meaning of the term "in the course of professional practice or research"; Provided that the practitioner is separately registered with the Department of Health as required by N.J.A.C. 8:65-11.2 and then thereafter complies with the regulatory standards imposed relative to treatment qualifications, security, records and unsupervised use of drugs pursuant to the Act.

(b) Nothing in this section shall prohibit a physician who is not specifically registered to conduct a narcotic treatment program from administering (but not prescribing) narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral for treatment. Not more than one day's medication may be administered to the person or for the person's use at one time. Such emergency treatment may be carried out for not more than three days and may not be renewed or extended.

(c) This section is not intended to impose any limitations on a physician or authorized hospital staff to administer or dispense narcotic drugs in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment of conditions other than addiction, or to administer or dispense narcotic drugs to persons with intractable pain in which no relief or cure is possible or none has been found after reasonable efforts.

**8:65-7.8 Requirements of prescriptions; schedule II**

(a) A pharmacist may dispense directly a controlled substance listed in schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, only pursuant to a written prescription signed by the prescribing individual practitioner, except as provided in subsection (d) of this section.

(b) An individual practitioner may administer or dispense directly a controlled substance listed in schedule II in the course of his professional practice without a prescription, subject to N.J.A.C. 8:65-7.6.

(c) An institutional practitioner may administer or dispense directly (but not prescribe) a controlled substance

listed in schedule II only pursuant to a written prescription signed by the prescribing individual practitioner or to an order for medication made by an individual practitioner which is dispensed for immediate administration to the ultimate user.

(d) In the case of an emergency situation, as defined by the Secretary in the Code of Federal Regulations, Title 21, part 290.10, a pharmacist may dispense a controlled substance listed in schedule II upon receiving oral authorization of a prescribing individual practitioner, provided that:

1. The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period not to exceed 72 hours (dispensing beyond the emergency period must be pursuant to a written prescription signed by the prescribing individual practitioner);

2. The prescription shall be immediately reduced to writing by the pharmacist and shall contain all information required in N.J.A.C. 8:65-7.4, except for the signature of the prescribing individual practitioner;

3. If the prescribing individual practitioner is not known to the pharmacist, he must make a reasonable effort to determine that the oral authorization came from a registered individual practitioner, which may include a callback to the prescribing individual practitioner using his phone number as listed in the telephone directory and/or other good faith efforts to insure his identity; and

4. Within 72 hours after authorizing an emergency oral prescription, the prescribing individual practitioner shall cause a written prescription for the emergency quantity prescribed (not to exceed the amount for a 72 hour period) to be delivered to the dispensing pharmacist. In addition to conforming to the requirements of N.J.A.C. 8:65-7.4, the prescription shall have written on its face "Authorization for Emergency Dispensing", and the date of the oral order. The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail it must be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral emergency prescription which had earlier been reduced to writing. The pharmacist shall notify the Department of Health and the nearest office of the DEA in his district if the prescribing individual practitioner fails to deliver a written prescription to him; failure of the pharmacist to do so shall void the authority conferred by this paragraph to dispense with a written prescription of a prescribing individual practitioner.

(e) A practitioner shall not prescribe or dispense a schedule II controlled substance to an individual patient in excess of the limits set forth at N.J.A.C. 13:35-7.6, except that prescriptions for patients in a Long Term Care Facility (LTCF) may be in amounts as set forth in N.J.A.C. 8:65-7.10(d).

Amended by R.1999 d.71, effective March 1, 1999.

See: 30 N.J.R. 1364(a), 31 N.J.R. 678(a).

In (e), substituted "the limits set forth at N.J.A.C. 13:35-7.6" for "120 dosage forms or a 30 days' supply, whichever is the lesser amount" following "excess of".

### 8:65-7.9 Refilling prescriptions; schedule II

The refilling of a prescription for a controlled substance listed in schedule II is prohibited.

### 8:65-7.10 Partial filling of prescriptions; schedule II

(a) The partial filling of a prescription for a controlled substance listed in schedule II is permissible, if the pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription and he makes a notation of the quantity supplied on the face of the written prescription (or written record of the emergency oral prescription).

(b) The remaining portion of the prescription may be filled within 72 hours of the first partial filling; however, if the remaining portion is not or cannot be filled within the 72-hour period, the pharmacist shall so notify the prescribing individual practitioner.

(c) No further quantity may be supplied beyond 72 hours without a new prescription.

(d) Prescriptions for schedule II controlled substances written for patients in a Long Term Care Facilities (LTCF) or for a patient with a medical diagnosis documenting a terminal illness may be filled in partial quantities to include individual dosage units. If there is any question whether a patient may be classified as having a terminal illness, the pharmacist shall contact the practitioner prior to partially filling the prescription. Both the pharmacist and practitioner shall assure that a controlled substance is for a terminally ill patient. The pharmacist shall record on the prescription whether the patient is "terminally ill" or an "LTCF" patient. A prescription that is partially filled and does not contain the notation that the patient is "terminally ill" or a patient in a "LTCF" shall be deemed to have been filled in violation of N.J.S.A. 24:21. For each partial filling, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained, and readily retrievable) the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed and the identification of the dispensing pharmacist. Prior to any subsequent partial filling, the pharmacist shall determine that the additional partial filling is necessary. The total quantity of Schedule II controlled substances dispensed in all partial fillings must not exceed the total quantity prescribed. Schedule II prescriptions, for patients in a LTCF, or patients with a medical diagnosis documenting a terminal illness, shall be valid for a period not to exceed 60 days from the issue date unless sooner terminated by the discontinuance of the medication.

(e) Information pertaining to current Schedule II prescriptions for patients in a LTCF or for patients with a medical diagnosis documenting a terminal illness may be maintained in a computerized system if this system has the capability to permit:

1. Output (display or printout) of the original prescription number, date of issue, identification of prescribing individual practitioner, identification of patient, address of the LTCF or address of the hospital or residence of the patient, identification of medication authorized (to include dosage form, strength and quantity), listing of partial fillings that have been dispensed under each prescription and the information required in (d) above;

2. Immediate (real time) updating of the prescription record each time a partial filling of the prescription is conducted.

3. Retrieval of partially filled schedule II prescription information in accordance with procedures specified in N.J.A.C. 8:65-7.14(e)1 through 5 for schedule III and IV prescription refill information.

Amended by R.1992 d.205, effective May 4, 1992.

See: 23 N.J.R. 3618(a), 24 N.J.R. 1795(a).

Partial prescriptions for LTCF or terminally-ill patient permitted.

### 8:65-7.11 Labeling of substances; schedule II

(a) The pharmacist filling a written or emergency oral prescription for a controlled substance listed in schedule II shall affix to the package a label, conforming to the provisions set forth in N.J.S.A. 24:21-17.

(b) The requirements of (a) above do not apply where a controlled substance listed in schedule II is prescribed for administration to an ultimate user who is institutionalized: Provided, that:

1. Not more than a seven day supply of the controlled substance listed in schedule II is dispensed at one time;

2. The controlled substance listed in schedule II is not in the possession of the ultimate user prior to the administration; and

3. The institution maintains appropriate safeguards and records regarding the proper administration, control, dispensing, and storage of the controlled substance listed in schedule II; and

4. The system employed by the pharmacist in filling a prescription is adequate to identify the supplier, the product, and the patient, and to set forth the directions for use and cautionary statements, if any, contained in the prescription or required by law.

### 8:65-7.12 Filing of prescriptions; schedule II

All written prescriptions and written records of emergency oral prescriptions shall be kept in accordance with requirements of N.J.A.C. 8:65-5.17.

**8:65-7.13 Requirements of prescriptions; schedule III and IV**

(a) A pharmacist may dispense directly a controlled substance listed in schedule III or IV which is a prescription

drug as determined under the Federal Food, Drug and Cosmetic Act, pursuant to a written prescription of a duly registered individual practitioner.