

[First Reprint]

## ASSEMBLY, No. 5248

# STATE OF NEW JERSEY

## 220th LEGISLATURE

INTRODUCED FEBRUARY 28, 2023

**Sponsored by:**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Assemblyman REGINALD W. ATKINS**

**District 20 (Union)**

**Assemblyman WILLIAM B. SAMPSON, IV**

**District 31 (Hudson)**

**Co-Sponsored by:**

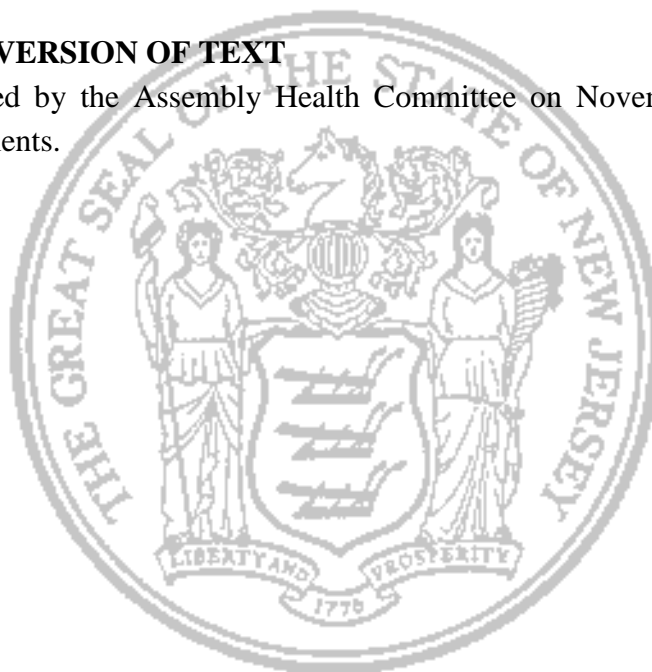
**Assemblyman Rooney, Assemblywomen Speight, Jasey, Assemblyman Freiman and Assemblywoman Park**

### SYNOPSIS

Regulates provision of pharmaceutical services in nursing homes.

### CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee on November 20, 2023, with amendments.



(Sponsorship Updated As Of: 12/7/2023)

1 AN ACT concerning <sup>1</sup>**["long-term care facilities"] nursing homes**<sup>1</sup> and  
 2 pharmaceutical services and supplementing Title 26 of the  
 3 Revised Statutes.

4  
 5 **BE IT ENACTED** by the Senate and General Assembly of the State  
 6 of New Jersey:

7  
 8 1. a. As used in this act:

9 <sup>1</sup>**["Long-term care facility" means a nursing home, assisted**  
 10 living residence, comprehensive personal care home, residential  
 11 health care facility, or dementia care home licensed pursuant to  
 12 P.L.1971, c.136 (C.26:2H-1 et seq.)] "Nursing home" means a  
 13 long-term care facility licensed pursuant to P.L.1971, c.136  
 14 (C.26:2H-1 et seq.) to provide professional nursing care on a daily  
 15 basis and includes intermediate care facilities pursuant to P.L.1975,  
 16 c.397 (C.26:2H-29 et seq.), as well as the distinct part of another  
 17 health care facility or continuing care retirement community that is  
 18 licensed to provide skilled nursing care services pursuant to  
 19 P.L.1971, c.136 (C.26:2H-1 et seq.). For the purposes of this act,  
 20 nursing home shall not include: an acute care hospital; assisted  
 21 living facility; comprehensive personal care home; dementia care  
 22 home; residential health care facility; adult day health care facility;  
 23 alternate family care program; adult family care program; home  
 24 health care agency; State psychiatric hospital; county health care  
 25 facility, including, but not limited to, county geriatric center, county  
 26 nursing home or other county long-term care facility; the New  
 27 Jersey Firemen's Home; or a health care facility operated by the  
 28 Department of Military and Veterans' Affairs<sup>1</sup>.

29 "Pharmacist" means a pharmacist licensed pursuant to P.L.2003,  
 30 c.280 (C.45:14-40 et seq.)

31 b. Each <sup>1</sup>**["long-term care facility"] nursing home**<sup>1</sup> shall have a  
 32 consultant pharmacist and either a provider pharmacist or, if the  
 33 facility has an in-house pharmacy, a director of pharmaceutical  
 34 services.

35 c. A New Jersey licensed pharmacist shall serve as director of  
 36 pharmaceutical services or as consultant pharmacist. The  
 37 pharmacist shall comply with federal and State statutes, rules,  
 38 regulations, and currently accepted standards of practice.

39 d. Each <sup>1</sup>**["long-term care facility"] nursing home**<sup>1</sup> shall have an  
 40 interdisciplinary pharmacy and therapeutics committee, appointed  
 41 by and reporting to the facility's administrator and consisting of at  
 42 least the administrator, a representative of the nursing staff, and the  
 43 facility's consultant pharmacist, with oversight as needed by the  
 44 facility's medical director. The committee may include a licensed  
 45 pharmacist representing the provider pharmacy. The committee

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted November 20, 2023.

1 shall hold meetings at least quarterly. Records, including the dates  
2 of meetings, attendance, activities, findings, and recommendations,  
3 shall be maintained by the committee.

4 e. Each <sup>1</sup>‘[long-term care facility] nursing home’ shall appoint  
5 a consultant pharmacist who is not also the director of  
6 pharmaceutical services or pharmacist provider, and who attests that  
7 he or she does not have an affiliation with either the facility’s  
8 director of pharmaceutical services or the facility’s pharmacist  
9 provider. Following the appointment of the consultant pharmacist,  
10 the consultant pharmacist shall avoid all real or potential conflicts  
11 of interest with the facility’s director of pharmaceutical services or  
12 the facility’s pharmacist provider.

13 f. If a <sup>1</sup>‘[long-term care facility] nursing home’ keeps  
14 emergency injectable or oral controlled substances, the facility shall  
15 ensure that a current Drug Enforcement Administration registration  
16 and controlled dangerous substance registration for that location is  
17 available.  
18

19 2. The Commissioner of Health shall adopt rules and regulations,  
20 in accordance with the “Administrative Procedure Act,” P.L.1968,  
21 c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the  
22 provisions of this act.  
23

24 3. This act shall take effect immediately.