

SENATE, No. 1490

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 10, 2022

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

SYNOPSIS

Permits use of automated dispensing devices in long-term care facilities and hospice care programs.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning automated dispensing devices and
2 supplementing Title 45 of the Revised Statutes.

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

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7 1. As used in this act:

8 “Automated dispensing device” means a mechanical automated
9 medication system used in a long-term care facility or a hospice care
10 program that stores prescribed medications and dispenses those
11 medications for the sole use of the residents of the long-term care
12 facility or patients in the hospice care program , as applicable.

13 “Automated medication system” means the same as that term is
14 defined in section 2 of P.L.2003, c.280 (C.45:14-41).

15 “Board” means the New Jersey State Board of Pharmacy.

16 “Emergency drug kit” means a select supply of commonly
17 dispensed medications located in a licensed long-term care facility or a
18 hospice care program for the immediate administration to a patient or
19 resident upon the order of a licensed healthcare practitioner to meet the
20 immediate therapeutic needs of a patient or resident when the required
21 medications cannot be obtained from other sources within sufficient
22 time to prevent the risk of harm to the patient by a delay.

23 “Hospice care program” means the same as that term is defined in
24 section 1 of P.L.1997, c.78 (C.26:2H-79)

25 “Institutional pharmacy” means the area in a health care facility or
26 a health care system licensed by the board as a pharmacy that
27 maintains an institutional permit, including any areas of the health care
28 facility or the health care system where pharmaceuticals are stored,
29 compounded, or dispensed, and any areas within the health care
30 facility or the health care system serviced by an outside vendor that
31 performs on-site pharmaceutical services.

32 "Long-term care facility" means a nursing home, assisted living
33 residence, comprehensive personal care home, residential health care
34 facility, or dementia care home licensed pursuant to P.L.1971, c.136
35 (C.26:2H-1 et seq.).

36 “Pharmacist-in-charge” means the same as that term is defined in
37 section 2 of P.L.2003, c.280 (C.45:14-41).

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39 2. a. An institutional pharmacy for a long-term care facility or a
40 hospice care program may utilize an automated dispensing device for
41 routine medication dispensing and storage.

42 b. The automated dispensing device shall remain the property of
43 the pharmacy. The pharmacy shall maintain all controls and record
44 keeping as is required under State and federal law.

45 c. The pharmacy shall obtain a machine-specific federal Drug
46 Enforcement Administration registration number for each automated

1 dispensing device it maintains, unless the device is exclusively stocked
2 for the dispensing of emergency drug kits for emergency
3 administration.

4 d. The pharmacy shall obtain a license from the board for each
5 specific model of automated dispensing device it maintains. The
6 pharmacy shall provide notice to the board if multiple automated
7 dispensing devices of the same model, for which a license has already
8 been granted to the pharmacy, are installed in a long-term care facility
9 or hospice care program. The board shall retain its rights to regulate,
10 inspect, and audit the pharmacy and any automated dispensing device,
11 pursuant to subsection a. of section 9 of P.L.2003, c.280 (C.45:14-48).

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13 3. a. Access to an automated dispensing device shall be restricted
14 to authorized licensed personnel designated by the pharmacist-in-
15 charge. A list of such authorized personnel shall be maintained at all
16 times within the pharmacy system and shall be reviewed and updated
17 periodically.

18 b. No medication, including a controlled dangerous substance,
19 may be dispensed from an automated dispensing device without a
20 valid, patient-specific prescription or order for the medication.

21 c. Prepackaged cartridges and containers may be sent to a remote
22 site to be loaded into an automated dispensing device by personnel
23 designated by the pharmacist-in-charge, provided:

24 (1) the individual cartridges or containers are transported to the
25 remote site in a secure, tamper-evident container; and

26 (2) the automated pharmacy system uses bar-coding, microchips,
27 or other technologies to ensure that the cartridges or containers are
28 accurately loaded in the automated pharmacy system.

29 d. Any loss of medication from or in connection with an
30 automated dispensing device shall be reported in accordance with the
31 requirements of the board.

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33 4. The New Jersey State Board of Pharmacy, pursuant to the
34 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
35 1 et seq.) shall promulgate rules and regulations as may be
36 necessary to effectuate the provisions of this act.

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38 5. This act shall take effect immediately.

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STATEMENT

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43 This bill permits the use of automated dispensing devices in
44 long-term care facilities and hospice care programs. The bill
45 defines an “automated dispensing device” as a mechanical
46 automated medication system used in a long-term care facility or a
47 hospice care program that stores prescribed medications and
48 dispenses those medications for the sole use of the residents of a

1 long-term care facility or patients in the hospice care program. The
2 bill authorizes an institutional pharmacy of a long-term care facility
3 or a hospice care program to utilize an automated dispensing device
4 for routine medication dispensing and storage. The automated
5 dispensing device will remain the property of the pharmacy. The
6 pharmacy is required to maintain all controls and record keeping as
7 is required under State and federal law.

8 The bill requires the institutional pharmacy of a long-term care
9 facility or a hospice care program to obtain a machine-specific
10 federal Drug Enforcement Administration registration number for
11 each automated dispensing device it maintains, unless the device is
12 exclusively stocked for the dispensing of emergency drug kits for
13 emergency administration. The bill also requires the pharmacy to
14 obtain a license from the New Jersey State Board of Pharmacy for
15 each specific model of automated dispensing device it maintains.
16 The pharmacy is required to provide notice to the board if multiple
17 automated dispensing devices of the same model, for which a
18 license has already been granted to the pharmacy, are installed in a
19 long-term care facility or hospice care program. The board will
20 retain its rights to regulate, inspect, and audit the pharmacy and any
21 automated dispensing device.

22 The bill restricts access to an automated dispensing device to
23 authorized licensed personnel designated by the pharmacist-in-
24 charge. A list of such authorized personnel will be maintained at all
25 times within the pharmacy system and will be reviewed and updated
26 periodically. No medication, including a controlled substance, may
27 be dispensed from an automated dispensing device without a valid,
28 patient-specific prescription or order for the medication.
29 Prepackaged cartridges and containers may be sent to a remote site
30 to be loaded into an automated dispensing device by personnel
31 designated by the pharmacist-in-charge, provided:

32 (1) the individual cartridges or containers are transported to the
33 remote site in a secure, tamper-evident container; and

34 (2) the automated pharmacy system uses bar-coding,
35 microchips, or other technologies to ensure that the cartridges or
36 containers are accurately loaded in the automated pharmacy system.

37 Any loss of medication from or in connection with an automated
38 dispensing device will be required to be reported in accordance with
39 the requirements of the New Jersey State Board of Pharmacy.