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

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

1. As used in this act:
   “Automated dispensing device” means a mechanical automated medication system used in a long-term care facility or a hospice care program that stores prescribed medications and dispenses those medications for the sole use of the residents of the long-term care facility or patients in the hospice care program, as applicable.
   “Automated medication system” means the same as that term is defined in section 2 of P.L.2003, c.280 (C.45:14-41).
   “Board” means the New Jersey State Board of Pharmacy.
   “Emergency drug kit” means a select supply of commonly dispensed medications located in a licensed long-term care facility or a hospice care program for the immediate administration to a patient or resident upon the order of a licensed healthcare practitioner to meet the immediate therapeutic needs of a patient or resident when the required medications cannot be obtained from other sources within sufficient time to prevent the risk of harm to the patient by a delay.
   “Hospice care program” means the same as that term is defined in section 1 of P.L.1997, c.78 (C.26:2H-79)
   “Institutional pharmacy” means the area in a health care facility or a health care system licensed by the board as a pharmacy that maintains an institutional permit, including any areas of the health care facility or the health care system where pharmaceuticals are stored, compounded, or dispensed, and any areas within the health care facility or the health care system serviced by an outside vendor that performs on-site pharmaceutical services.
   "Long-term care facility” means a nursing home, assisted living residence, comprehensive personal care home, residential health care facility, or dementia care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).
   “Pharmacist-in-charge” means the same as that term is defined in section 2 of P.L.2003, c.280 (C.45:14-41).

2. a. An institutional pharmacy for a long-term care facility or a hospice care program may utilize an automated dispensing device for routine medication dispensing and storage.
   b. The automated dispensing device shall remain the property of the pharmacy. The pharmacy shall maintain all controls and record keeping as is required under State and federal law.
   c. The pharmacy shall obtain a machine-specific federal Drug Enforcement Administration registration number for each automated
dispensing device it maintains, unless the device is exclusively stocked for the dispensing of emergency drug kits for emergency administration.

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

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

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

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

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

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

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

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

5. This act shall take effect immediately.

STATEMENT

This bill permits the use of automated dispensing devices in long-term care facilities and hospice care programs. The bill defines an “automated dispensing device” as a mechanical automated medication system used in a long-term care facility or a hospice care program that stores prescribed medications and dispenses those medications for the sole use of the residents of a
long-term care facility or patients in the hospice care program. The bill authorizes an institutional pharmacy of a long-term care facility or a hospice care program to utilize an automated dispensing device for routine medication dispensing and storage. The automated dispensing device will remain the property of the pharmacy. The pharmacy is required to maintain all controls and record keeping as required under State and federal law.

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

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

1. the individual cartridges or containers are transported to the remote site in a secure, tamper-evident container; and
2. the automated pharmacy system uses bar-coding, microchips, or other technologies to ensure that the cartridges or containers are accurately loaded in the automated pharmacy system.

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