

SENATE, No. 3609

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 16, 2023

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Co-Sponsored by:

Senator Burgess

SYNOPSIS

Regulates provision of pharmaceutical services in long-term care facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2023)

1 AN ACT concerning long-term care facilities and pharmaceutical
2 services and supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. a. As used in this act:

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

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

14 b. Each long-term care facility shall have a consultant
15 pharmacist and either a provider pharmacist or, if the facility has an
16 in-house pharmacy, a director of pharmaceutical services.

17 c. A New Jersey licensed pharmacist shall serve as director of
18 pharmaceutical services or as consultant pharmacist. The
19 pharmacist shall comply with federal and State statutes, rules,
20 regulations, and currently accepted standards of practice.

21 d. Each long-term care facility shall have an interdisciplinary
22 pharmacy and therapeutics committee, appointed by and reporting
23 to the facility's administrator and consisting of at least the
24 administrator, a representative of the nursing staff, and the facility's
25 consultant pharmacist, with oversight as needed by the facility's
26 medical director. The committee may include a licensed pharmacist
27 representing the provider pharmacy. The committee shall hold
28 meetings at least quarterly. Records, including the dates of
29 meetings, attendance, activities, findings, and recommendations,
30 shall be maintained by the committee.

31 e. Each long-term care facility shall appoint a consultant
32 pharmacist who is not also the director of pharmaceutical services
33 or pharmacist provider, and who attests that he or she does not have
34 an affiliation with either the facility's director of pharmaceutical
35 services or the facility's pharmacist provider. Following the
36 appointment of the consultant pharmacist, the consultant pharmacist
37 shall avoid all real or potential conflicts of interest with the
38 facility's director of pharmaceutical services or the facility's
39 pharmacist provider.

40 f. If a long-term care facility keeps emergency injectable or
41 oral controlled substances, the facility shall ensure that a current
42 Drug Enforcement Administration registration and controlled
43 dangerous substance registration for that location is available.

44

45 2. The Commissioner of Health shall adopt rules and regulations,
46 in accordance with the "Administrative Procedure Act," P.L.1968,
47 c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the
48 provisions of this act.

1 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill codifies current Department of Health regulations
7 concerning the provision of pharmaceutical services in long-term
8 care facilities, and establishes an additional requirement to aid in
9 preventing certain conflicts of interest.

10 Under the bill and current regulations, each long-term care
11 facility is to have a consultant pharmacist and either a provider
12 pharmacist or, if the facility has an in-house pharmacy, a director of
13 pharmaceutical services. A New Jersey licensed pharmacist is to
14 serve as director of pharmaceutical services or as consultant
15 pharmacist. The pharmacist is required to comply with federal and
16 State statutes, rules, regulations, and currently accepted standards of
17 practice.

18 The bill and current regulations provide that each long-term care
19 facility is to have an interdisciplinary pharmacy and therapeutics
20 committee, appointed by and reporting to the administrator of the
21 facility and consisting of at least the administrator, a representative
22 of the nursing staff, and the facility's consultant pharmacist, with
23 oversight as needed by the facility's medical director. The
24 committee may include a licensed pharmacist representing the
25 provider pharmacy. The committee is to hold meetings at least
26 quarterly. Records, including the dates of meetings, attendance,
27 activities, findings, and recommendations, are to be maintained by
28 the committee.

29 Under the bill and current regulations, the long-term care facility
30 is to appoint a consultant pharmacist who is not also the director of
31 pharmaceutical services or pharmacist provider. The bill
32 establishes an additional requirement for consultant pharmacists to
33 attest that the consultant pharmacist does not have an affiliation
34 with either the facility's director of pharmaceutical services or the
35 facility's pharmacist provider. The bill specifies that, following the
36 appointment of the consultant pharmacist, the consultant pharmacist
37 is to avoid all real or potential conflicts of interest with the
38 facility's director of pharmaceutical services or the facility's
39 pharmacist provider.