

45:14-14

LEGISLATIVE HISTORY CHECKLIST  
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(Uniform prescription blanks)

NJSA: 45:14-14

LAWS OF: 1996 CHAPTER: 154

BILL NO: A31

SPONSOR(S): Murphy and Blee

DATE INTRODUCED: June 17, 1996

COMMITTEE: ASSEMBLY: Appropriations  
SENATE: ---

AMENDED DURING PASSAGE: Yes ACS (1R) adopted Amendments during passage denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: December 19, 1996  
SENATE: December 16, 1996

DATE OF APPROVAL: January 6, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement adopted 7-25-96

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:  
"New law a bitter bill...", 1-7-97, Atlantic City Press.  
"Law requires prescriptions to be uniform," 1-7-97, Courier News.

KBP:pp

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 31

STATE OF NEW JERSEY

ADOPTED JUNE 24, 1996

Sponsored by Assemblywoman MURPHY

1 AN ACT requiring the use of uniform prescription blanks, amending  
2 R.S.45:14-14, N.J.S.2C:20-2 and N.J.S.2C:21-1 and  
3 supplementing chapter 14 of Title 45 of the Revised Statutes.

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

7  
8 1. (New Section) The Legislature finds and declares that the  
9 welfare of the citizens of this State and the financial integrity of the  
10 governmental reimbursement programs administered for their benefit  
11 are threatened by the growing problem of prescription drug abuse,  
12 particularly the widespread trafficking in forged and altered  
13 prescriptions for oral drugs and items; the submission of these forged  
14 prescriptions for payment by State and federal funds through the  
15 Medicaid, Pharmaceutical Assistance to the Aged and Disabled, and  
16 general assistance programs and by private health insurers drive the  
17 cost of health care up for all citizens of New Jersey; and to reduce  
18 the ease with which such forgeries can be accomplished and to deter  
19 drug abuse, the implementation of a program by which prescriptions  
20 shall be <sup>1</sup>written<sup>1</sup> on a uniform prescription blank, printed on non-  
21 reproducible, non-erasable safety paper, <sup>1</sup>**[**issued in a serialized, bound  
22 fashion,**]**<sup>1</sup> subject to stringent security controls<sup>1</sup>,<sup>1</sup> is required.

23 The Legislature further finds and declares that it is likely that  
24 prior authorization programs to control fraud and abuse may become  
25 unnecessary upon the passage and implementation of P.L. , c.....  
26 (C.....)(now pending before the Legislature as this bill).

**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> Senate floor amendments adopted July 25, 1996.

1       2. (New Section) a. Beginning <sup>1</sup>【on】 180 days after<sup>1</sup> the  
2 effective date of P.L....., c. (C.....)(now pending before the  
3 Legislature as this bill) <sup>1</sup>【and thereafter】<sup>1</sup>, a licensed prescriber shall  
4 use <sup>1</sup>【serialized,】<sup>1</sup> non-reproducible, non-erasable <sup>1</sup>safety paper<sup>1</sup> New  
5 Jersey Prescription Blanks bearing that prescriber's license number  
6 whenever the prescriber issues prescriptions for controlled dangerous  
7 substances, prescription legend drugs or other prescription items.  
8 The prescription blanks shall be secured from a vendor approved by  
9 the Division of Consumer Affairs in the Department of Law and  
10 Public Safety.

11       <sup>1</sup>Notwithstanding the provisions of this subsection to the contrary,  
12 the Director of the Division of Consumer Affairs may temporarily  
13 suspend the operative date of this subsection if the director finds that  
14 an insufficient number of licensed prescribers have obtained the  
15 required prescription blanks by the operative date with the result that  
16 persons seeking to have prescriptions filled would be substantially  
17 inconvenienced. The director shall promptly notify the licensed  
18 prescribers of the new operative date of this subsection.<sup>1</sup>

19       b. A licensed prescriber shall maintain a record of the receipt of  
20 New Jersey Prescription Blanks. The prescriber shall notify the Office  
21 of Drug Control in the Division of Consumer Affairs as soon as  
22 possible but no later than 72 hours of being made aware that any New  
23 Jersey Prescription Blank in the prescriber's possession has been  
24 stolen. <sup>1</sup>Upon receipt of notification, the Office of Drug Control shall  
25 take appropriate action, including notification to the Department of  
26 Human Services and the Attorney General.<sup>1</sup>

27  
28       3. (New Section) a. Beginning <sup>1</sup>【on】180 days after<sup>1</sup> the effective  
29 date of P.L....., c.....(C.....)(now pending before the  
30 Legislature as this bill) <sup>1</sup>【and thereafter】<sup>1</sup>, prescriptions issued by a  
31 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1  
32 et seq.) shall be written on <sup>1</sup>【serialized,】<sup>1</sup> non-reproducible, non-  
33 erasable <sup>1</sup>safety paper<sup>1</sup> New Jersey Prescription Blanks. The  
34 prescription blanks shall be secured from a vendor approved by the  
35 Division of Consumer Affairs in the Department of Law and Public  
36 Safety. The New Jersey Prescription Blanks shall bear the unique  
37 provider number assigned to that health care facility for the issuing of  
38 prescriptions for controlled dangerous substances, prescription legend  
39 drugs or other prescription items.

40       <sup>1</sup>Notwithstanding the provisions of this subsection to the contrary,  
41 the Director of the Division of Consumer Affairs may temporarily  
42 suspend the operative date of this subsection if the director finds that  
43 an insufficient number of licensed health care facilities have obtained  
44 the required prescription blanks by the operative date with the result  
45 that persons seeking to have prescriptions filled would be substantially

1 inconvenienced. The director shall promptly notify the licensed health  
2 care facilities of the new operative date of this subsection.<sup>1</sup>

3 b. A health care facility shall maintain a record of the receipt of  
4 New Jersey Prescription Blanks. The health care facility shall notify  
5 the Office of Drug Control in the Division of Consumer Affairs as  
6 soon as possible but no later than 72 hours of being made aware that  
7 any New Jersey Prescription Blank in the facility's possession has been  
8 stolen. <sup>1</sup> Upon receipt of notification, the Office of Drug Control shall  
9 take appropriate action, including notification to the Department of  
10 Human Services and the Attorney General.<sup>1</sup>

11

12 4. (New Section) a. Beginning <sup>1</sup>on 180 days after<sup>1</sup> the  
13 effective date of P.L....., c.....(C.....)(now pending before the  
14 Legislature as this bill), a prescription issued by a licensed prescriber  
15 or health care facility shall not be filled by a pharmacist unless the  
16 prescription is issued on a New Jersey Prescription Blank bearing the  
17 prescriber's license number or the unique provider number assigned  
18 to a health care facility, as required pursuant to section 2 or 3 of  
19 P.L....., c.....(C.....)(now pending before the Legislature as this  
20 bill).

21 <sup>1</sup>Notwithstanding the provisions of this subsection to the contrary,  
22 the Director of the Division of Consumer Affairs in the Department of  
23 Law and Public Safety may temporarily suspend the operative date of  
24 this subsection if the director finds that an insufficient number of  
25 licensed prescribers or licensed health care facilities have obtained the  
26 required prescription blanks by the operative date with the result that  
27 persons seeking to have prescriptions filled would be substantially  
28 inconvenienced. The director shall notify licensed pharmacists of the  
29 new operative date of this subsection.<sup>1</sup>

30 b. Notwithstanding the provisions of subsection a. of this section  
31 <sup>1</sup>to the contrary<sup>1</sup>, for the 90 days following the <sup>1</sup>effective date of  
32 P.L....., c.... (C....)(now pending before the Legislature as this bill)  
33 180-day period or such other operative date as may be determined by  
34 the Director of the Division of Consumer Affairs pursuant to  
35 subsection a. of this section<sup>1</sup>, a pharmacist, prior to filling a  
36 prescription, shall request verification, in writing or orally, of the  
37 prescription from the prescriber or health care facility if the pharmacist  
38 receives a prescription that is not issued on a New Jersey Prescription  
39 Blank as required by section 2 or 3 of P.L.....,  
40 c.....(C.....)(now pending before the Legislature as this bill).

41

42 5. (New Section) Nothing contained in P.L....., c.....  
43 (C.....)(now pending before the Legislature as this bill) shall  
44 preclude a licensed prescriber from transmitting to a pharmacist by  
45 telephone or electronic means a prescription, as otherwise authorized

1 by law, if that prescriber provides the prescriber's Drug Enforcement  
2 Administration registration number or prescriber's license number, as  
3 appropriate, to the pharmacist at the time the prescriber transmits  
4 the prescription.

5  
6 6. a. (New Section) The Division of Consumer Affairs in the  
7 Department of Law and Public Safety shall <sup>1</sup>~~approve~~ establish<sup>1</sup> the  
8 format for uniform, <sup>1</sup>~~serialized,~~<sup>1</sup> non-reproducible, non-erasable  
9 <sup>1</sup>safety paper<sup>1</sup> prescription blanks, to be known as New Jersey  
10 Prescription Blanks<sup>1</sup>, which format shall include an identifiable logo  
11 or symbol that will appear on all prescription blanks. The division  
12 shall establish the format and solicit vendors within 10 days after the  
13 effective date of P.L. , c. (pending before the Legislature as this  
14 bill)<sup>1</sup>. The division shall<sup>1</sup>, within 45 days of the effective date of  
15 P.L. , c. (pending before the Legislature as this bill),<sup>1</sup> approve  
16 <sup>1</sup>~~vendors to produce the~~ a sufficient number of vendors to ensure  
17 production of an adequate supply of<sup>1</sup> New Jersey Prescription Blanks  
18 <sup>1</sup>~~required to be used by~~ for<sup>1</sup> licensed <sup>1</sup>~~prescriber~~ prescribers<sup>1</sup> and  
19 health care facilities <sup>1</sup>~~pursuant to sections 2 and 3 of P.L.....,~~  
20 ~~c.....(C.....)(now pending before the Legislature as this bill)~~  
21 Statewide<sup>1</sup>. <sup>1</sup>~~The division shall approve more than one vendor to~~  
22 ~~produce New Jersey Prescription Blanks.~~<sup>1</sup>

23 b. The Division of Consumer Affairs shall mail to all licensed  
24 prescribers in this State designated under R.S.45:14-14 to write  
25 prescriptions<sup>1</sup>, to all licensed pharmacists<sup>1</sup> and to all licensed health  
26 care facilities a notice of the requirements of P.L.....,  
27 c.....(C.....)(now pending before the Legislature as this bill)  
28 and the names and addresses of the vendors approved to produce New  
29 Jersey Prescription Blanks. The notice shall be mailed 30 days prior  
30 to the <sup>1</sup>~~effective~~ operative<sup>1</sup> date of <sup>1</sup>~~sections 2, 3 and 4 of~~  
31 ~~P.L....., c. ....(C.....)(now pending before the Legislature~~  
32 ~~as this bill).~~

33  
34 7. (New Section) a. No later than May 1, 1997, the Department  
35 of Human Services, in conjunction with the Department of Health,  
36 shall submit a written report to the Legislature and the Senate Budget  
37 and Appropriations Committee and the Assembly Appropriations  
38 Committee, or their successors, documenting the costs and savings  
39 directly attributable to prior authorization programs in order to  
40 determine whether prior authorization programs are both cost effective  
41 and not duplicative of other programs in reducing fraud and abuse  
42 related to prescription drugs.

43 b. No later than February 1, 1998, the Department of Human  
44 Services, in conjunction with the Department of Health, shall submit  
45 a report to the Legislature and the Senate Budget and Appropriations

1 Committee and the Assembly Appropriations Committee, or their  
2 successors, detailing the impact of P.L....., c.....(C.....)(now  
3 pending before the Legislature as this bill).

4

5 8. R.S.45:14-14 is amended to read as follows:

6 45:14-14. The term "prescription" as used in R.S.45:14-13, and  
7 R.S.45:14-15 to R.S.45:14-17 means an order for drugs or medicines  
8 or combinations or mixtures thereof, written or signed by a duly  
9 licensed physician, dentist, optometrist, veterinarian, other medical  
10 practitioner, a certified nurse midwife, a nurse practitioner/clinical  
11 nurse specialist or a physician assistant, licensed or approved to write  
12 prescriptions intended for the treatment or prevention of disease in  
13 man or animals, and includes orders for drugs or medicines or  
14 combinations or mixtures thereof, on a New Jersey Prescription Blank  
15 obtained from a vendor approved by the Division of Consumer Affairs  
16 in the Department of Law and Public Safety pursuant to section 6 of  
17 P.L....., c.....(C.....)(now pending before the Legislature as  
18 this bill), transmitted to pharmacists through word of mouth,  
19 telephone, telegraph or other means of communication by a duly  
20 licensed physician, dentist, optometrist, veterinarian, other medical  
21 practitioner, a certified nurse midwife, a nurse practitioner/clinical  
22 nurse specialist or a physician assistant, licensed or approved to write  
23 prescriptions intended for the treatment or prevention of disease in  
24 man or animals, and such prescriptions received by word of mouth,  
25 telephone, telegraph or other means of communication shall be  
26 recorded in writing by the pharmacist and the record so made by the  
27 pharmacist shall constitute the original prescription to be filed by the  
28 pharmacist as provided for in R.S.45:14-15, but no prescription, for  
29 any narcotic drug, except as provided in section 15 of P.L.1970, c.226  
30 (C.24:21-15), shall be given or transmitted to pharmacists, in any  
31 other manner, than in writing signed by the physician, dentist,  
32 veterinarian, other medical practitioner, certified nurse midwife, nurse  
33 practitioner/clinical nurse specialist or a physician assistant, giving or  
34 transmitting the same, nor shall such prescription be renewed or  
35 refilled.

36 (cf: P.L.1991, c.385, s.4)

37

38 9. N.J.S.2C:20-2 is amended to read as follows:

39 2C:20-2. Consolidation of Theft Offenses; Grading; Provisions  
40 Applicable to Theft Generally. a. Consolidation of Theft Offenses.  
41 Conduct denominated theft in this chapter constitutes a single offense,  
42 but each episode or transaction may be the subject of a separate  
43 prosecution and conviction. A charge of theft may be supported by  
44 evidence that it was committed in any manner that would be theft  
45 under this chapter, notwithstanding the specification of a different

- 1 manner in the indictment or accusation, subject only to the power of  
2 the court to ensure fair trial by granting a bill of particulars, discovery,  
3 a continuance, or other appropriate relief where the conduct of the  
4 defense would be prejudiced by lack of fair notice or by surprise.
- 5 b. Grading of theft offenses.
- 6 (1) Theft constitutes a crime of the second degree if:
- 7 (a) The amount involved is \$75,000.00 or more;
- 8 (b) The property is taken by extortion;
- 9 (c) The property stolen is a controlled dangerous substance or  
10 controlled substance analog as defined in N.J.S.2C:35-2 and the  
11 quantity is in excess of one kilogram; or
- 12 (d) The property stolen is a person's benefits under federal or  
13 State law, or from any other source, which the Department of Human  
14 Services or an agency acting on its behalf has budgeted for the  
15 person's health care and the amount involved is \$75,000 or more.
- 16 (2) Theft constitutes a crime of the third degree if:
- 17 (a) The amount involved exceeds \$500.00 but is less than  
18 \$75,000.00;
- 19 (b) The property stolen is a firearm, motor vehicle, vessel, boat,  
20 horse or airplane;
- 21 (c) The property stolen is a controlled dangerous substance or  
22 controlled substance analog as defined in N.J.S.2C:35-2 and the  
23 amount involved is less than \$75,000.00 or is undetermined and the  
24 quantity is one kilogram or less;
- 25 (d) It is from the person of the victim;
- 26 (e) It is in breach of an obligation by a person in his capacity as  
27 a fiduciary;
- 28 (f) It is by threat not amounting to extortion;
- 29 (g) It is of a public record, writing or instrument kept, filed or  
30 deposited according to law with or in the keeping of any public office  
31 or public servant;
- 32 (h) The property stolen is a person's benefits under federal or  
33 State law, or from any other source, which the Department of Human  
34 Services or an agency acting on its behalf has budgeted for the  
35 person's health care and the amount involved is less than \$75,000;
- 36 **【or】**
- 37 (i) The property stolen is any real or personal property related  
38 to, necessary for, or derived from research, regardless of value,  
39 including, but not limited to, any sample, specimens and components  
40 thereof, research subject, including any warm-blooded or cold-blooded  
41 animals being used for research or intended for use in research,  
42 supplies, records, data or test results, prototypes or equipment, as well  
43 as any proprietary information or other type of information related to  
44 research ; or
- 45 (j) The property stolen is a New Jersey Prescription Blank as

1 referred to in R.S.45:14-14.

2 (3) Theft constitutes a crime of the fourth degree if the amount  
3 involved is at least \$200.00 but does not exceed \$500.00. If the  
4 amount involved was less than \$200.00 the offense constitutes a  
5 disorderly persons offense.

6 (4) The amount involved in a theft shall be determined by the  
7 trier of fact. The amount shall include, but shall not be limited to, the  
8 amount of any State tax avoided, evaded or otherwise unpaid,  
9 improperly retained or disposed of. Amounts involved in thefts  
10 committed pursuant to one scheme or course of conduct, whether  
11 from the same person or several persons, may be aggregated in  
12 determining the grade of the offense.

13 c. Claim of right. It is an affirmative defense to prosecution for  
14 theft that the actor:

15 (1) Was unaware that the property or service was that of  
16 another;

17 (2) Acted under an honest claim of right to the property or  
18 service involved or that he had a right to acquire or dispose of it as he  
19 did; or

20 (3) Took property exposed for sale, intending to purchase and  
21 pay for it promptly, or reasonably believing that the owner, if present,  
22 would have consented.

23 d. Theft from spouse. It is no defense that theft was from the  
24 actor's spouse, except that misappropriation of household and personal  
25 effects, or other property normally accessible to both spouses, is theft  
26 only if it occurs after the parties have ceased living together.

27 (cf: P.L. 1995, c.20, s.5)

28

29 10. N.J.S.2C:21-1 is amended to read as follows:

30 2C:21-1. a. Forgery. A person is guilty of forgery if, with  
31 purpose to defraud or injure anyone, or with knowledge that he is  
32 facilitating a fraud or injury to be perpetrated by anyone, the actor:

33 (1) Alters or changes any writing of another without his  
34 authorization;

35 (2) Makes, completes, executes, authenticates, issues or transfers  
36 any writing so that it purports to be the act of another who did not  
37 authorize that act or of a fictitious person, or to have been executed  
38 at a time or place or in a numbered sequence other than was in fact  
39 the case, or to be a copy of an original when no such original existed;  
40 or

41 (3) Utters any writing which he knows to be forged in a manner  
42 specified in paragraph (1) or (2).

43 "Writing" includes printing or any other method of recording  
44 information, money, coins, tokens, stamps, seals, credit cards, badges,  
45 trademarks, and other symbols of value, right, privilege, or



1 identification.

2 b. Grading of forgery. Forgery is a crime of the third degree if  
3 the writing is or purports to be part of an issue of money, securities,  
4 postage or revenue stamps, or other instruments, certificates or  
5 licenses issued by the government, New Jersey Prescription Blanks as  
6 referred to in R.S.45:14-14, or part of an issue of stock, bonds or  
7 other instruments representing interest in or claims against any  
8 property or enterprise.

9 Otherwise forgery is a crime of the fourth degree.

10 c. Possession of forgery devices. A person is guilty of  
11 possession of forgery devices, a crime of the third degree, when with  
12 purpose to use, or to aid or permit another to use the same for  
13 purposes of forging written instruments, he makes or possesses any  
14 device, apparatus, equipment or article specially designed or adapted  
15 to such use.

16 (cf: P.L.1981, c.290, s.20)

17

18 11. This act shall take effect <sup>1</sup>180 days after enactment, except  
19 that section 6 shall take effect <sup>1</sup>immediately.

20

21

22

23

24 Requires use of uniform New Jersey Prescription Blanks for all  
25 prescriptions written in State.

ASSEMBLY, No. 31

STATE OF NEW JERSEY

INTRODUCED JUNE 17, 1996

By Assemblywoman MURPHY and Assemblyman BLEE

1 AN ACT establishing uniform prescription blanks, amending  
2 R.S.45:14-14 and N.J.S.2C:20-2 and 2C:21-1 and supplementing  
3 chapter 14 of Title 45 of the Revised Statutes.

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

7  
8 1. (New Section) The Legislature finds and declares that the  
9 welfare of the citizens of this State and the financial integrity of the  
10 governmental reimbursement programs administered for their benefit  
11 are threatened by the growing problem of prescription drug abuse,  
12 particularly the widespread trafficking in forged and altered  
13 prescriptions for oral drugs and items; the submission of these forged  
14 prescriptions for payment by State and federal funds through the  
15 Medicaid, Pharmaceutical Assistance to the Aged and Disabled, and  
16 general assistance programs and by private health insurers drive the  
17 cost of health care up for all citizens of New Jersey; and to reduce the  
18 ease with which such forgeries can be accomplished and to deter drug  
19 abuse requires the implementation of a program by which prescriptions  
20 shall be on a uniform prescription blank, printed on non-reproducible,  
21 non-erasable safety paper, issued in a serialized, bound fashion, subject  
22 to stringent security controls.

23  
24 2. R.S.45:14-14 is amended to read as follows:

25 45:14-14. The term "prescription" as used in R.S.45:14-13, and  
26 R.S.45:14-15 to R.S.45:14-17 means an order for drugs or medicines  
27 or combinations or mixtures thereof, written or signed by a duly  
28 licensed physician, dentist, optometrist, veterinarian, other medical  
29 practitioner, a certified nurse midwife, a nurse practitioner/clinical  
30 nurse specialist or a physician assistant, licensed or approved to write  
31 prescriptions intended for the treatment or prevention of disease in  
32 man or animals, and includes orders for drugs or medicines or  
33 combinations or mixtures thereof, on a New Jersey Prescription Blank  
34 obtained from a vendor approved by the Office of Drug Control in the

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

Matter underlined thus is new matter.

1 Division of Consumer Affairs, Department of Law and Public Safety,  
2 transmitted to pharmacists through word of mouth, telephone,  
3 telegraph or other means of communication by a duly licensed  
4 physician, dentist, optometrist, veterinarian, other medical practitioner,  
5 a certified nurse midwife, a nurse practitioner/clinical nurse specialist  
6 or a physician assistant, licensed or approved to write prescriptions  
7 intended for the treatment or prevention of disease in man or animals,  
8 and such prescriptions received by word of mouth, telephone,  
9 telegraph or other means of communication shall be recorded in  
10 writing by the pharmacist and the record so made by the pharmacist  
11 shall constitute the original prescription to be filed by the pharmacist  
12 as provided for in R.S.45:14-15, but no prescription, for any narcotic  
13 drug, except as provided in section 15 of P.L.1970, c.226  
14 (C.24:21-15), shall be given or transmitted to pharmacists, in any  
15 other manner, than in writing signed by the physician, dentist,  
16 veterinarian, other medical practitioner, certified nurse midwife, nurse  
17 practitioner/clinical nurse specialist or a physician assistant, giving or  
18 transmitting the same, nor shall such prescription be renewed or  
19 refilled.

20 (cf: P.L.1991, c.385, s.4)

21

22 3. N.J.S.2C:20-2 is amended to read as follows:

23 2C:20-2. Consolidation of Theft Offenses; Grading; Provisions  
24 Applicable to Theft Generally. a. Consolidation of Theft Offenses.  
25 Conduct denominated theft in this chapter constitutes a single offense,  
26 but each episode or transaction may be the subject of a separate  
27 prosecution and conviction. A charge of theft may be supported by  
28 evidence that it was committed in any manner that would be theft  
29 under this chapter, notwithstanding the specification of a different  
30 manner in the indictment or accusation, subject only to the power of  
31 the court to ensure fair trial by granting a bill of particulars, discovery,  
32 a continuance, or other appropriate relief where the conduct of the  
33 defense would be prejudiced by lack of fair notice or by surprise.

34 b. Grading of theft offenses.

35 (1) Theft constitutes a crime of the second degree if:

36 (a) The amount involved is \$75,000.00 or more;

37 (b) The property is taken by extortion;

38 (c) The property stolen is a controlled dangerous substance or  
39 controlled substance analog as defined in N.J.S.2C:35-2 and the  
40 quantity is in excess of one kilogram; or

41 (d) The property stolen is a person's benefits under federal or State  
42 law, or from any other source, which the Department of Human  
43 Services or an agency acting on its behalf has budgeted for the  
44 person's health care and the amount involved is \$75,000 or more.

45 (2) Theft constitutes a crime of the third degree if:

46 (a) The amount involved exceeds \$500.00 but is less than

1 \$75,000.00;

2 (b) The property stolen is a firearm, motor vehicle, vessel, boat,  
3 horse or airplane;

4 (c) The property stolen is a controlled dangerous substance or  
5 controlled substance analog as defined in N.J.S.2C:35-2 and the  
6 amount involved is less than \$75,000.00 or is undetermined and the  
7 quantity is one kilogram or less;

8 (d) It is from the person of the victim;

9 (e) It is in breach of an obligation by a person in his capacity as a  
10 fiduciary;

11 (f) It is by threat not amounting to extortion;

12 (g) It is of a public record, writing or instrument kept, filed or  
13 deposited according to law with or in the keeping of any public office  
14 or public servant;

15 (h) The property stolen is a person's benefits under federal or State  
16 law, or from any other source, which the Department of Human  
17 Services or an agency acting on its behalf has budgeted for the  
18 person's health care and the amount involved is less than \$75,000;

19 **[or]**

20 (i) The property stolen is any real or personal property related to,  
21 necessary for, or derived from research, regardless of value, including,  
22 but not limited to, any sample, specimens and components thereof,  
23 research subject, including any warm-blooded or cold-blooded animals  
24 being used for research or intended for use in research, supplies,  
25 records, data or test results, prototypes or equipment, as well as any  
26 proprietary information or other type of information related to  
27 research; or

28 (j) The property stolen is a New Jersey Prescription Blank as  
29 referred to in R.S.45:14-14.

30 (3) Theft constitutes a crime of the fourth degree if the amount  
31 involved is at least \$200.00 but does not exceed \$500.00. If the  
32 amount involved was less than \$200.00 the offense constitutes a  
33 disorderly persons offense.

34 (4) The amount involved in a theft shall be determined by the trier  
35 of fact. The amount shall include, but shall not be limited to, the  
36 amount of any State tax avoided, evaded or otherwise unpaid,  
37 improperly retained or disposed of. Amounts involved in thefts  
38 committed pursuant to one scheme or course of conduct, whether  
39 from the same person or several persons, may be aggregated in  
40 determining the grade of the offense.

41 c. Claim of right. It is an affirmative defense to prosecution for  
42 theft that the actor:

43 (1) Was unaware that the property or service was that of another;

44 (2) Acted under an honest claim of right to the property or service  
45 involved or that he had a right to acquire or dispose of it as he did; or

46 (3) Took property exposed for sale, intending to purchase and pay

1 for it promptly, or reasonably believing that the owner, if present,  
2 would have consented.

3 d. Theft from spouse. It is no defense that theft was from the  
4 actor's spouse, except that misappropriation of household and personal  
5 effects, or other property normally accessible to both spouses, is theft  
6 only if it occurs after the parties have ceased living together.  
7 (cf: P.L.1995, c.20, s.5)

8

9 4. N.J.S.2C:21-1 is amended to read as follows:

10 2C:21-1. a. Forgery. A person is guilty of forgery if, with purpose  
11 to defraud or injure anyone, or with knowledge that he is facilitating  
12 a fraud or injury to be perpetrated by anyone, the actor:

13 (1) Alters or changes any writing of another without his  
14 authorization;

15 (2) Makes, completes, executes, authenticates, issues or transfers  
16 any writing so that it purports to be the act of another who did not  
17 authorize that act or of a fictitious person, or to have been executed  
18 at a time or place or in a numbered sequence other than was in fact  
19 the case, or to be a copy of an original when no such original existed;  
20 or

21 (3) Utters any writing which he knows to be forged in a manner  
22 specified in paragraph (1) or (2).

23 "Writing" includes printing or any other method of recording  
24 information, money, coins, tokens, stamps, seals, credit cards, badges,  
25 trademarks, and other symbols of value, right, privilege, or  
26 identification.

27 b. Grading of forgery. Forgery is a crime of the third degree if the  
28 writing is or purports to be part of an issue of money, securities,  
29 postage or revenue stamps, or other instruments, certificates or  
30 licenses issued by the government, New Jersey Prescription Blanks as  
31 referred to in R.S.45:14-14, or part of an issue of stock, bonds or  
32 other instruments representing interest in or claims against any  
33 property or enterprise.

34 Otherwise forgery is a crime of the fourth degree.

35 c. Possession of forgery devices. A person is guilty of possession  
36 of forgery devices, a crime of the third degree, when with purpose to  
37 use, or to aid or permit another to use the same for purposes of  
38 forging written instruments, he makes or possesses any device,  
39 apparatus, equipment or article specially designed or adapted to such  
40 use.

41 (cf: P.L.1981, c.290, s.20)

42

43 5. (New Section) a. Beginning on the effective date of this act,  
44 each duly licensed prescriber shall use serialized, non-reproducible,  
45 non-erasable New Jersey Prescription Blanks bearing that prescriber's  
46 license number, secured from a vendor approved by the Office of Drug

1 Control in the Division of Consumer Affairs, Department of Law and  
2 Public Safety, whenever issuing prescriptions for controlled dangerous  
3 substances, prescription legend drugs or other prescription items.

4 b. Each duly licensed prescriber shall maintain a record of receipt  
5 of New Jersey Prescription Blanks and shall notify the Office of Drug  
6 Control within one week of being made aware that any New Jersey  
7 Prescription Blank in the prescriber's possession has been stolen.

8

9 6. (New Section) a. Beginning on the effective date of this act,  
10 prescriptions issued by a health care facility licensed pursuant to  
11 P.L.1971, c.136 (C.26:2H-1 et seq.) shall be written on serialized,  
12 non-reproducible, non-erasable New Jersey Prescription Blanks  
13 secured from a vendor approved by the Office of Drug Control in the  
14 Division of Consumer Affairs, Department of Law and Public Safety.  
15 The New Jersey Prescription Blanks shall bear the unique provider  
16 number assigned to that health care facility for the issuing of  
17 prescriptions for controlled dangerous substances, prescription legend  
18 drugs or other prescription items.

19 b. Each health care facility shall maintain a record of receipt of  
20 New Jersey Prescription Blanks and shall notify the Office of Drug  
21 Control within one week of being made aware that any New Jersey  
22 Prescription Blank in the facility's possession has been stolen.

23

24 7. (New Section) Beginning on the effective date of this act, no  
25 prescription issued by a licensed New Jersey prescriber shall be filled  
26 by a pharmacist, drug store or drug department unless issued on a  
27 New Jersey Prescription Blank bearing the prescriber's license number  
28 or the unique provider number assigned to a health care facility.

29

30 8. (New Section) Nothing herein shall preclude a duly licensed  
31 prescriber from telephoning or electronically transmitting to a  
32 pharmacy, drug store or drug department a prescription, as otherwise  
33 authorized by law, if that prescriber provides verification to the  
34 pharmacist at the time of issuance and subsequently provides a written  
35 memorialization of that prescription.

36

37 9. This act shall take effect 180 days after enactment.

38

39

40

#### STATEMENT

41

42 This bill requires that within 180 days of the date of enactment of  
43 the bill, all prescriptions written in the State by licensed prescribers  
44 and licensed health care facilities be issued on a uniform prescription  
45 blank, known as a "New Jersey Prescription Blank." The uniform  
46 prescription blanks shall be printed on non-reproducible, non-erasable

1 safety paper, issued in a serialized, bound fashion and subject to  
2 stringent security controls. To insure uniformity, the new prescription  
3 blanks must be obtained from a vendor approved by the Office of Drug  
4 Control in the Division of Consumer Affairs, Department of Law and  
5 Public Safety.

6 The bill provides that theft or forgery of a "New Jersey Prescription  
7 Blank" is a crime of the third degree. The bill also requires all  
8 prescribers and health care facilities to maintain a record of their  
9 prescription blanks and to report stolen blanks to the Office of Drug  
10 Control within one week of the theft.

11 The purpose of the "New Jersey Prescription Blank" is to reduce  
12 the ease with which prescription drug forgery is accomplished and to  
13 deter drug abuse. Use of the "New Jersey Prescription Blank" should  
14 result in savings to the State as well as to commercial insurers who  
15 provide prescription drug benefits. The Department of the Treasury  
16 estimates that this bill will save the State approximately \$1.5 million  
17 annually by reducing fraud in the Medicaid, Pharmaceutical Assistance  
18 to the Aged and Disabled and general public assistance programs.

19

20

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22

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23 Requires use of uniform "New Jersey Prescription Blanks" for all  
24 prescriptions written in State.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 31

# STATE OF NEW JERSEY

DATED: JUNE 24, 1996

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No.31.

The Assembly Committee Substitute for Assembly Bill No.31 requires all prescriptions written in the State by licensed prescribers and licensed health care facilities to be issued on a uniform prescription blank, known as a "New Jersey Prescription Blank." This New Jersey Prescription Blank will be printed on non-reproducible, non-erasable safety paper, issued in a serialized, bound fashion and subject to stringent security controls. To insure uniformity, the format for the new prescription blanks will be approved by the Division of Consumer Affairs in the Department of Law and Public Safety. The division will also designate the vendors that have been approved to produce New Jersey Prescription Blanks.

The substitute requires all prescribers and health care facilities to maintain a record of their prescription blanks and to report the theft of any blanks to the Office of Drug Control within 72 hours after the theft. The substitute makes theft or forgery of a New Jersey Prescription Blank a crime of the third degree.

Finally, the substitute requires the Department of Human Services, in conjunction with the Department of Health, to submit certain reports to the Legislature.

The purpose of this substitute is to reduce the ease with which prescription drug forgery is accomplished and to deter drug abuse and enactment may result in savings to the State, as well as to commercial insurers who provide prescription drug benefits.

As reported, this committee substitute is identical to the Senate Committee Substitute for Senate, No.1400 of 1996.

#### FISCAL IMPACT:

The Department of the Treasury estimates that this substitute will save the State approximately \$1.5 million annually by reducing fraud in the Medicaid, Pharmaceutical Assistance to the Aged and Disabled, and general public assistance programs.



STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 31**

with Senate Floor Amendments  
(Proposed By Senator EWING)

ADOPTED: JULY 25, 1996

These amendments delete the requirement that the uniform New Jersey Prescription Blanks be serialized, although the blanks will have to be printed on non-reproducible, non-erasable safety paper. The amendments also require that the Division of Consumer Affairs establish the format for the prescription blanks (including a logo or symbol that will appear on each blank to distinguish the new blanks from the ones currently in use) and solicit vendors to produce the blanks within 10 days of the bill's enactment. Also, the division shall approve, within 45 days of the bill's enactment, a sufficient number of vendors to ensure an adequate supply of the prescription blanks Statewide.

In addition to notifying all licensed prescribers and health care facilities of the new prescription blank requirements, the amendments require the division to notify all licensed pharmacists. The amendments authorize the Director of the Division of Consumer Affairs to suspend the operative date for when the new prescription blanks must be used (180 days from the date of enactment of the bill) in the event that he determines that an insufficient number of prescribers and health care facilities have obtained the required prescription blanks by that date with the result that persons seeking to have prescriptions filled would be substantially inconvenienced. Finally, amendments require the Office of Drug Control (which must be notified by a health care provider in the event the prescription blanks are stolen) to take all appropriate action upon receipt of notification, including notifying the Department of Human Services and the Attorney General of the theft of the prescription blanks.

777-701  
G61



## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-004**

**TRENTON, NJ 08625**

**CONTACT: Becky Taylor**

**RELEASE: Mon., Jan. 6, 1997**

**Jayne Rebovich**

**609-777-2600**

Gov. Christie Whitman today signed legislation which will crack down on illegal drug trafficking and prescription fraud by requiring uniform blanks for all prescriptions written in the state. New Jersey is the first state in the nation to require uniform blanks for all prescriptions.

“This law will help New Jersey attack health care fraud, reduce the abuse of prescription drugs and save taxpayer dollars in the process,” said Gov. Whitman. “People who forge medical prescriptions are criminals who weaken our health care system and waste our hard earned money. They must be stopped in their tracks.”

The legislation provides that within 180 days, all prescriptions written in the state shall be issued on a uniform prescription blank, which will be printed on non-reproducible, non-erasable safety paper, and will include the prescriber’s license number or facility license number.

The legislation confronts the growing problem of forged prescriptions which enable drug abusers to obtain drugs to feed their illegal habits and also increase costs to the State’s Medicaid and Pharmaceutical Assistance to the Aged and Disabled program and to private insurers as well.

According to the Medicaid Program Investigations Bureau, each forged prescription blank is being reimbursed for an average of \$500 worth of drugs.

The creation of a uniform prescription blank was a recommendation of the Governor's Task Force on Health Care Fraud. The task force was created by the Governor last year and charged with reviewing the extent of health care fraud in New Jersey and making recommendations to combat fraud.

"Standardized forms will make it harder to alter and forge prescriptions," said Attorney General Peter Verniero, who joined the Governor for the bill signing. "This law signed today will help New Jersey in its overall fraud prevention efforts."

The bill provides that theft or forgery of prescription blanks is a crime of the third degree, which could carry a prison term of 3-5 years. The bill also requires all prescribers and health care facilities to maintain a record of their prescription blanks and report stolen blanks to the Office of Drug Control in the Division of Consumer Affairs within 72 hours of being made aware of the theft.

To ensure efficient implementation of the new prescription blank, the bill also provides for a time schedule to be followed by the Division of Consumer Affairs regarding the development of the form and the approval of vendors to produce it. The division will provide a list of approved vendors to all licensed prescribers at least 30 days prior to the operative date of the bill. Additionally, the bill includes provisions which will allow doctors and patients to make a smooth transition to the new system.

**A-31/S-1400** was sponsored by Assembly Members Carol Murphy (R-Essex/Morris/Passaic) and Francis Blee (R- Atlantic) and Senators John Ewing (R-Morris/Somerset) and Joseph Bubba (R-Essex/Passaic).