

45:14-58

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2017 **CHAPTER:** 338

NJSA: 45:14-58 (Requires electronic health records systems to meet requirements to accept, process, and transmit prescriptions for Schedule II controlled dangerous substance.)

BILL NO: S3592 (Substituted for A3831)

SPONSOR(S) Weinberg and others

DATE INTRODUCED: 11/30/2017

COMMITTEE: **ASSEMBLY:** Health & Senior Services

SENATE: Health, Human Services & Senior Citizens

AMENDED DURING PASSAGE:

DATE OF PASSAGE: **ASSEMBLY:** 1/8/2018

SENATE: 1/5/2018

DATE OF APPROVAL: 1/16/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

S3592

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A3831

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RH/CL

P.L. 2017, CHAPTER 338, *approved January 16, 2018*
Senate, No. 3592 (*First Reprint*)

1 AN ACT concerning electronic prescribing requirements and
2 amending P.L.2003, c.280.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 19 of P.L.2003, c.280 (C.45:14-58) is amended to
8 read as follows:

9 19. a. Nothing contained in this act shall preclude a practitioner
10 from transmitting to a pharmacist by telephone or electronic means
11 a prescription, as otherwise authorized by law, if that practitioner
12 provides the practitioner's Drug Enforcement Administration
13 registration number and the practitioner's license number, or any
14 other federally identified number, as appropriate, to the pharmacist
15 at the time the practitioner transmits the prescription.

16 b. Except as may be otherwise permitted by law, no
17 prescription for any Schedule II controlled dangerous substance
18 shall be given or transmitted to pharmacists, in any other manner,
19 than in writing signed by the practitioner giving or transmitting the
20 same, nor shall such prescription be renewed or refilled. The
21 requirement in this subsection that a prescription for any controlled
22 dangerous substance be given or transmitted to pharmacists in
23 writing signed by the practitioner shall not apply to a prescription
24 for a Schedule II drug if that prescription is transmitted or prepared
25 in compliance with federal and State regulations.

26 c. ¹(1)¹ **Each** ¹**[entity operating or administering]** vendor that
27 sells, leases, or licenses for use¹ an electronic health records system
28 that is used to electronically transmit prescriptions in this State on
29 the effective date of P.L. _____, c. _____ (pending before the
30 Legislature as this bill) shall ensure that the system meets all federal
31 requirements for the system to accept, process, and transmit
32 prescriptions for Schedule II controlled dangerous substances no
33 later than one year after the effective date of P.L. _____,
34 c. _____ (pending before the Legislature as this bill) as a condition of
35 continuing to ¹**[electronically transmit prescriptions]** sell, lease, or
36 license for use the electronic health records system¹ in this State.
37 Each ¹**[entity that commences operating or administering]** vendor
38 that commences selling, leasing, or licensing for use¹ an electronic
39 health records system that is used to electronically transmit
40 prescriptions in this State after the effective date of P.L. _____, c.

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:

¹Senate SHH committee amendments adopted December 14, 2017.

1 (pending before the Legislature as this bill) shall ensure that the
2 system meets all federal requirements for the system to accept,
3 process, and transmit prescriptions for Schedule II controlled
4 dangerous substances as a condition of ¹~~electronically transmitting~~
5 prescriptions] selling, leasing, or licensing for use the electronic
6 health records system¹ in this State.

7 ¹(2) The requirements of paragraph (1) of this subsection shall
8 not apply to a telemedicine or telehealth organization, as that term
9 is defined in section 1 of P.L.2017, c.117 (C.45:1-61), that
10 exclusively provides telehealth and telemedicine services.¹

11 (cf: P.L.2003, c.280, s.19)

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13 2. This act shall take effect the first day of the fourth month
14 next following the date of enactment.

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19 _____
20 Requires electronic health records systems to meet requirements
21 to accept, process, and transmit prescriptions for Schedule II
controlled dangerous substances.

SENATE, No. 3592

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED NOVEMBER 30, 2017

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)

SYNOPSIS

Requires electronic health records systems to meet requirements to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning electronic prescribing requirements and
2 amending P.L.2003, c.280.

3

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

6

7 1. Section 19 of P.L.2003, c.280 (C.45:14-58) is amended to
8 read as follows:

9 19. a. Nothing contained in this act shall preclude a practitioner
10 from transmitting to a pharmacist by telephone or electronic means
11 a prescription, as otherwise authorized by law, if that practitioner
12 provides the practitioner's Drug Enforcement Administration
13 registration number and the practitioner's license number, or any
14 other federally identified number, as appropriate, to the pharmacist
15 at the time the practitioner transmits the prescription.

16 b. Except as may be otherwise permitted by law, no
17 prescription for any Schedule II controlled dangerous substance
18 shall be given or transmitted to pharmacists, in any other manner,
19 than in writing signed by the practitioner giving or transmitting the
20 same, nor shall such prescription be renewed or refilled. The
21 requirement in this subsection that a prescription for any controlled
22 dangerous substance be given or transmitted to pharmacists in
23 writing signed by the practitioner shall not apply to a prescription
24 for a Schedule II drug if that prescription is transmitted or prepared
25 in compliance with federal and State regulations.

26 c. Each entity operating or administering an electronic health
27 records system that is used to electronically transmit prescriptions
28 in this State on the effective date of P.L. _____, c. _____ (pending
29 before the Legislature as this bill) shall ensure that the system meets
30 all federal requirements for the system to accept, process, and
31 transmit prescriptions for Schedule II controlled dangerous
32 substances no later than one year after the effective date of
33 P.L. _____, c. _____ (pending before the Legislature as this bill) as a
34 condition of continuing to electronically transmit prescriptions in
35 this State. Each entity that commences operating or administering
36 an electronic health records system that is used to electronically
37 transmit prescriptions in this State after the effective date of
38 P.L. _____, c. _____ (pending before the Legislature as this bill) shall
39 ensure that the system meets all federal requirements for the system
40 to accept, process, and transmit prescriptions for Schedule II
41 controlled dangerous substances as a condition of electronically
42 transmitting prescriptions in this State.

43 (cf: P.L.2003, c.280, s.19)

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45 2. This act shall take effect the first day of the fourth month
46 next following the date of enactment.

STATEMENT

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This bill requires each owner or administrator of an electronic health records system that is used to transmit electronic prescriptions in New Jersey to ensure that the system meets the federal requirements to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances. Entities operating or administering a system on the effective date of the bill will have one year to meet this requirement as a condition of continuing to transmit electronic prescriptions in this State, and entities commencing operation or administration of an electronic health records system that is used to transmit electronic prescriptions in New Jersey after the effective date of the bill will be required to meet the requirement as a condition of electronically transmitting prescriptions in this State.

It is the sponsor's belief that ensuring that electronic prescribing systems used in New Jersey are capable of accepting, processing, and transmitting prescriptions for Schedule II controlled dangerous substances will facilitate and encourage the use of electronic prescriptions for these substances, and that the increased use of electronic prescribing will help reduce the potential for fraud, diversion, and abuse of prescription medications while facilitating the efficient provision of health care in this State.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3592

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2017

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3592.

As amended by the committee, this bill would require each vendor that sells, leases, or licenses for use an electronic health records system, which is used to transmit electronic prescriptions in New Jersey, to ensure that the system meets the federal requirements to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances, in order to continue or commence the electronic transmission of prescriptions in this State. Vendors that sell, lease, or license an electronic health records system as of the bill's effective date will be required to satisfy this requirement within one year following the bill's effective date, in order to continue the electronic transmission of prescriptions in the State. Other vendors will be required to meet the requirement before commencing with the sale, leasing, or licensing for use of an electronic health records system.

The committee amended the bill to require a vendor that sells, leases, or licenses for use an electronic health records system used to electronically transmit prescriptions in this State to satisfy the federal requirements for the system to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances. As introduced, the bill provided that this requirement applied to entities that operated or administered such systems. The amendments further provide that the requirements established under the bill will not apply to a telehealth or telemedicine organization that exclusively provides telehealth and telemedicine services.

ASSEMBLY, No. 3831

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 2, 2016

Sponsored by:

**Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)**

Co-Sponsored by:

Assemblywoman Pinkin and Assemblyman Coughlin

SYNOPSIS

Requires electronic health records systems to meet requirements to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2017)

1 AN ACT concerning electronic prescribing requirements and
2 amending P.L.2003, c.280.

3

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

6

7 1. Section 19 of P.L.2003, c.280 (C.45:14-58) is amended to
8 read as follows:

9 19. a. Nothing contained in this act shall preclude a practitioner
10 from transmitting to a pharmacist by telephone or electronic means
11 a prescription, as otherwise authorized by law, if that practitioner
12 provides the practitioner's Drug Enforcement Administration
13 registration number and the practitioner's license number, or any
14 other federally identified number, as appropriate, to the pharmacist
15 at the time the practitioner transmits the prescription.

16 b. Except as may be otherwise permitted by law, no
17 prescription for any Schedule II controlled dangerous substance
18 shall be given or transmitted to pharmacists, in any other manner,
19 than in writing signed by the practitioner giving or transmitting the
20 same, nor shall such prescription be renewed or refilled. The
21 requirement in this subsection that a prescription for any controlled
22 dangerous substance be given or transmitted to pharmacists in
23 writing signed by the practitioner shall not apply to a prescription
24 for a Schedule II drug if that prescription is transmitted or prepared
25 in compliance with federal and State regulations.

26 c. Each entity operating or administering an electronic health
27 records system that is used to electronically transmit prescriptions
28 in this State on the effective date of P.L. _____, c. _____ (pending
29 before the Legislature as this bill) shall ensure that the system meets
30 all federal requirements for the system to accept, process, and
31 transmit prescriptions for Schedule II controlled dangerous
32 substances no later than one year after the effective date of
33 P.L. _____, c. _____ (pending before the Legislature as this bill) as a
34 condition of continuing to electronically transmit prescriptions in
35 this State. Each entity that commences operating or administering
36 an electronic health records system that is used to electronically
37 transmit prescriptions in this State after the effective date of
38 P.L. _____, c. _____ (pending before the Legislature as this bill) shall
39 ensure that the system meets all federal requirements for the system
40 to accept, process, and transmit prescriptions for Schedule II
41 controlled dangerous substances as a condition of electronically
42 transmitting prescriptions in this State.

43 (cf: P.L.2003, c.280, s.19)

44

45 2. This act shall take effect the first day of the fourth month
46 next following the date of enactment.

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.

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STATEMENT

This bill requires each owner or administrator of an electronic health records system that is used to transmit electronic prescriptions in New Jersey to ensure that the system meets the federal requirements to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances. Entities operating or administering a system on the effective date of the bill will have one year to meet this requirement as a condition of continuing to transmit electronic prescriptions in this State, and entities commencing operation or administration of an electronic health records system that is used to transmit electronic prescriptions in New Jersey after the effective date of the bill will be required to meet the requirement as a condition of electronically transmitting prescriptions in this State.

It is the sponsor's belief that ensuring that electronic prescribing systems used in New Jersey are capable of accepting, processing, and transmitting prescriptions for Schedule II controlled dangerous substances will facilitate and encourage the use of electronic prescriptions for these substances, and that the increased use of electronic prescribing will help reduce the potential for fraud, diversion, and abuse of prescription medications while facilitating the efficient provision of health care in this State.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3831

STATE OF NEW JERSEY

DATED: JUNE 2, 2016

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 3831.

This bill requires each owner or administrator of an electronic health records system that is used to transmit electronic prescriptions in New Jersey to ensure that the system meets the federal requirements to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances. Entities operating or administering a system on the effective date of the bill will have one year to meet this requirement as a condition of continuing to transmit electronic prescriptions in this State, and entities commencing operation or administration of an electronic health records system that is used to transmit electronic prescriptions in New Jersey after the effective date of the bill will be required to meet the requirement as a condition of electronically transmitting prescriptions in this State.

STATEMENT TO
ASSEMBLY, No. 3831

with Assembly Floor Amendments
(Proposed by Assemblyman CONAWAY)

ADOPTED: DECEMBER 7, 2017

These Assembly amendments require a vendor that sells, leases, or licenses for use an electronic health records system, that is used to electronically transmit prescriptions in the State, to meet the federal requirements for the system to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances. As introduced, the bill provided that the requirement applied to entities operating or administering such systems.

The amendments additionally provide that the requirements established under the bill will not apply to a telehealth or telemedicine organization that exclusively provides telehealth and telemedicine services.