

# Responsible Opioid Prescribing in Primary Care

NJ Regulations

# Legal Compliance

- Become familiar with New Jersey state regulations about controlled substances and adhere strictly to them
- Be familiar with relevant Federal regulations
- Information on relevant state laws is available through the Federation of State Medical Boards website, [www.fsmb.org](http://www.fsmb.org).

# New Jersey Regulations

## NJAC 13:35-7

- A Treatment Plan will:
  - Document the provision of effective pain management tailored to the needs of the patient
  - Indicate a detailed discussion with the patient guardian or authorized representative, including benefits and risks of the controlled substance
  - Include objective for evaluating treatment success (i.e. pain relief or improved function), and further diagnostic/treatment plans, as indicated

# New Jersey Regulations

## NJAC 13:35-7

- Practitioners requirements
  - Review treatment course/objective
    - minimum 3 months
  - Evaluate physical/psychological dependence
  - Decrease/discontinue or assess for alternative modalities, if clinically indicated
  - Re-evaluate and/or refer if treatment objectives are not achieved
  - Develop written agreement regarding use of controlled substance and the consequences of misuse

# New Jersey Regulations

## NJAC 13:35-7

- Written documentation
  - Name, address, DOB, Medical history, physical
  - Indication for controlled substance
  - Complete name of controlled substance
  - Dosage, strength and frequency
  - Completion of consultations and evaluations
  - Informed consent
  - Contracts Period review
  - DEA and State license number

# New Jersey Regulations

## NJAC 13:35-7

- Providers may exceed the 120 dosage unit prescribing limitation for Schedule II controlled substances for a patient under a treatment plan suffering from cancer pain, intractable pain or a terminal illness
- The 30 day supply limit still applies

# New Jersey Regulations

## NJAC 13:35-7

- Providers may exceed the 30 day supply limit when the patient is prescribed an implantable infusion pump which can provide up to a 90 day supply provided the provider evaluates and documents the continued need of the patient

# New Jersey Regulations

## Pending Legislation

- Assembly Bill 3799
  - Approved by the NJ Legislature: June 2009
  - Currently awaiting signature and approval of Governor Corzine
  - Bill authorizes physicians to write up to 3 prescriptions for Schedule II controlled substances in order for the patient to receive up to a 90 day supply.
  - The physician would provide 3 prescriptions with "future prescribing dates" (do not fill before DATE) on the 2nd and the 3rd (assuming the first would be filled right away).
  - Currently, physicians are limited to writing a 30 day supply for controlled substances