STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

DIVISION OF CONSUMER AFFAIRS ADMINISTRATIVE ORDER

LIMITATIONS ON PRESCRIBING AND DISPENSING OF MEDICATIONS FOR TREATMENT OF COVID-19

DCA Administrative Order No. 2020-01

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, the Governor declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard posed by Coronavirus disease 2019 (COVID-19); and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, the Governor issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are also adopted by reference herein; and

WHEREAS, to preserve our health care system's capacity to treat those who require emergency or intensive care, the Governor issued Executive Order No. 109 (2020) on March 23, 2020, the facts and circumstances of which are also adopted by reference herein; and

WHEREAS, in paragraph 8 of Executive Order No. 109 (2020), the Governor granted the Director of the Division of Consumer Affairs the authority, in consultation with the Commissioner of Health, to issue orders restricting or expanding the scope of practice for any category of healthcare professional or veterinarian licensed by a board in the Division of Consumer Affairs; and

WHEREAS, the Division of Consumer Affairs and the Board of Pharmacy have been made aware of concerns of potential drug shortages resulting from stockpiling and/or over-prescribing of drugs that may be helpful in the treatment of COVID-19, including hydroxychloroquine and chloroquine; and

WHEREAS, prescriptions should only be issued for medications when necessary for the treatment of patients, and in reasonable quantities to ensure continuity of care for all patients, to ensure that every patient is able to obtain their medication through conscientious prescribing and dispensing decisions; and

WHEREAS, prescribers are encouraged to review the information from the CDC on therapeutic options for treatment of COVID-19, found at: https://www.cdc.gov/coronavirus/2019-ncov/hcp/therapeutic-options.html;

NOW, THEREFORE, I, Paul R. Rodríguez, Acting Director of the Division of Consumer Affairs, hereby ORDER as follows:

1. PRESCRIBERS:

a. All prescriptions for any drug in short supply (defined as a drug in the federal Food and Drug Administration's Drug Shortages database, or a drug that is not available from normal distribution channels in a timely manner to meet the patient's needs) due to their use in possible treatment of COVID-19, must contain a diagnosis or diagnostic code. Failure to include the diagnosis or diagnostic code will render the prescription invalid. All prescribing should be recorded in the patient record, which should support the diagnosis.

b. Medications in short supply, such as hydroxychloroquine and chloroquine, should not be prescribed as a prophylaxis against COVID-19, for the prescriber and/or the prescriber's family and friends, and should not be stockpiled for office use.

c. All prescriptions written should be for treatment of conditions within the prescriber's scope of practice. For example, podiatrists, dentists and veterinarians should not be writing prescriptions for medications designed to treat COVID-19.

d. All prescriptions written for hydroxychloroquine and chloroquine for the possible treatment of COVID-19, shall be supported by a positive test result, which must be documented on the prescription and in the medical record, and shall be limited to a 14-day supply, with no refills permitted. Patients who are being treated with maintenance prescriptions for certain pre-existing conditions, such as lupus or other autoimmune diseases, may continue to obtain refills of hydroxychloroquine and chloroquine, and shall not be subject to the 14-day limitation.

e. These restrictions and limitations do not apply to medication orders for inpatient hospital use.

f. These restrictions and limitations do not apply to state or federal clinical trials.

2. DISPENSERS:

a. Pharmacists shall refuse to fill prescriptions for any medication that may be in short supply due to their use in possible treatment of COVID-19 unless they contain a diagnosis or diagnostic code.

b. All dispensing of hydroxychloroquine or chloroquine for treatment of COVID-19 shall be limited to prescriptions supported by a positive test result, which must be documented on the prescription. Dispensing is limited to a 14-day supply, with no refills permitted.

c. Patients who present maintenance prescriptions for certain pre-existing conditions, such as lupus or other autoimmune diseases, may continue to obtain refills of hydroxychloroquine and chloroquine, and shall not be subject to the 14-day limitation. If presented with a new

prescription for hydroxychloroquine and chloroquine for a pre-existing condition, the prescription shall contain a diagnosis or diagnostic code which supports continued dispensing with refills.

d. Pharmacists shall not fill prescriptions for drugs for treatment of COVID-19 where the pharmacist believes the prescriber is acting outside of the scope of his or her practice.

e. Pharmacists may exercise judgment when filling or refilling prescriptions for medications that may soon be in short supply due to increased demand of certain drugs or drug delivery systems due to the COVID-19 pandemic. For example, the demand for metered dose inhalers (MDI) has increased. In these situations, dispensing one MDI, when a prescription was written for three, may be a prudent decision.

f. These restrictions and limitations do not apply to dispensing pursuant to medication orders for inpatient hospital use.

g. These restrictions and limitations do not apply to state or federal clinical trials.

This ORDER shall take effect immediately and shall remain in effect until expressly revoked or superseded by a subsequent Administrative Order issued by the Director of the Division of Consumer Affairs, or for as long as the delegation of authority to the Director of the Division of Consumer Affairs in paragraph 8 of Executive Order No. 109 (2020) remains in effect, whichever is earlier.

March 29, 2020

Paul R. Rodríguez
Acting Director
New Jersey Division of Consumer Affairs