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### **Guidance for the Pharmacy Community** **Regarding COVID-19**

The New Jersey Board of Pharmacy (Board) is closely monitoring the effect that COVID-19 is having on the pharmacy community and the community's ability to care for patients. There are a number of challenges that pharmacies may face in the foreseeable future related to shortages of Personal Protective Equipment (PPE), staffing issues, delivery of medications to patients (at home, in LTC facilities, etc.), access to pharmacy practice sites, etc.

If a pharmacy is not able to continue to operate their business in a manner that allows it to adhere to the Board's regulations and to provide services to its patients due to an issue related to COVID-19, that pharmacy should contact the Board. Depending on each individual situation, the pharmacy may be able to request a temporary waiver of a specific regulation that would allow them to provide continuity of care for their patients.

For expediency, temporary waiver requests should be submitted to the Executive Director via email at [rubinaccioa@dca.njoag.gov](mailto:rubinaccioa@dca.njoag.gov). The request should contain a detailed description of the COVID-19 related issue that the pharmacy is encountering, and a proposed solution to provide continuity of patient care, including the regulation which is the subject of the waiver request. Each request will be reviewed on an expedited basis and a determination will be made by the Board President based on the information supplied.

## Standing Waiver procedures that may be exercised by a pharmacy impacted by COVID-19

**Reuse of PPE in compounding:** The Board is aware of that Personal Protective Equipment (PPE) that is used in compounding may soon be difficult to obtain through the supply chain. The Board is granting a temporary waiver of N.J.A.C. 13:39-11.14(c) until June 1, 2020, which will allow compounding pharmacies to reuse certain PPE (ie masks, gowns) as a proactive measure to conserve existing supplies of these items. The pharmacy must agree to the following conditions to take advantage of this waiver:

- All personnel involved in compounding activities, directly or in a supervisory capacity, must view the free COVID-19 training provided by the National Association of Boards of Pharmacy. The webinar can be accessed by clicking on the following link and registering for a free account: <https://peernetwork.criticalpoint.info/posts/webinars/covid-19-downstream-implications-for-sterile-compounding>. The training addresses Center for Disease Control and Prevention (CDC) infection prevention information and current garb supply chain issues, and includes recommendations for garb conservation and practice changes regarding microbial control in sterile compounding areas. Documentation that compounding personnel have viewed this webinar should be maintained and be made available if requested by the Board.
- The pharmacy must develop written policies and procedures regarding reuse of PPE and ensure all personnel review and understand it.
- The RPIC must agree to perform increased environmental monitoring in the form of weekly surface sampling within ISO 5 PECs while this waiver is being exercised. Note that the pharmacy must follow the existing rules related to Board notification regarding out of normal EM reports.
- The pharmacy must email a **notification** to the Board indicating they wish to exercise this waiver. The email should be sent to [rubinaccioa@dca.njoag.gov](mailto:rubinaccioa@dca.njoag.gov) and the subject line should contain the permit number of the pharmacy, the name of the pharmacy, the phrase "Notification of reuse of PPE". The body of the email should contain a statement from the RPIC or Director of Pharmacy indicating that they have read and agree with the conditions associated with this temporary waiver for the reuse of PPE. The email should also include a PDF attachment of this Guidance document.

**Change in hours of operation:** The Board is also aware that some pharmacies may need to adjust their hours of operation due to staffing challenges or other issues. The Board is granting a temporary waiver of N.J.A.C. 13:39-4.12(a) until June 1, 2020, which will allow pharmacies to be open for less than 40 hours per week. The pharmacy must agree to the following conditions to take advantage of this waiver:

- The pharmacy must post signage in the windows/doors of the pharmacy, and on any website maintained or social media platform used by the pharmacy, indicating the new temporary hours that this pharmacy will be open.
- If the pharmacy has an answering machine message, it must also be updated to indicate these hours.
- The pharmacy must provide a telephone number for patients to call to reach a pharmacist in an emergency. The pharmacist on call must be able to access patient records.

- If the pharmacy will be open less than 35 hours a week, a temporary waiver of N.J.A.C. 13:39-6.2(f) (RPIC to be employed for at least 35 hours per week), until June 1, 2020 will also be considered as part of the waiver request.
- The pharmacy must email a **notification** to the Board indicating they wish to exercise this waiver. The email should be sent to [rubinaccioa@dca.njoag.gov](mailto:rubinaccioa@dca.njoag.gov) and the subject line should contain the permit number of the pharmacy, the name of the pharmacy, the phrase “Change of pharmacy hours of operation”. The body of the email should contain a statement from the RPIC or Permit Holder indicating the new temporary hours that the pharmacy will be open, and that they have read and agree with the conditions associated with this temporary waiver for the change of pharmacy hours. The email should also include a PDF attachment of this Guidance document.

**Relaxed requirements to capture counseling signatures at POS:** The Board is aware of concerns associated with many patients being required to utilize an electronic signature capture device when they pick up their prescriptions in the pharmacy. Because of the challenges of keeping the device disinfected, the Board is granting a temporary waiver of N.J.A.C. 13:39-7.21(e) until June 1, 2020, which will not require the pharmacist, at the time of dispensing, to obtain the signature of the patient or caregiver that counseling was provided or refused.

- The pharmacy must email a **notification** to the Board indicating they wish to exercise this waiver. The email should be sent to [rubinaccioa@dca.njoag.gov](mailto:rubinaccioa@dca.njoag.gov) and the subject line should contain the permit number of the pharmacy, the name of the pharmacy, the phrase “Relaxed requirements to capture counseling signatures at POS”. The email should also include a PDF attachment of this Guidance document.

## Requests that must be submitted to the Board for review

**Extended closure of a pharmacy:** If a pharmacy is required to close for an extended period of time, the permit holder should email the Board requesting a temporary waiver of N.J.A.C. 13:39-4.12(d) which will allow for the temporary closing of a pharmacy for more than 48 hours. The pharmacy must provide the following information when emailing this waiver request to the Board:

- Details of the reason for the extended closure.
- How the pharmacy plans to ensure continuity of care for their patients during this closure (i.e. entering into a temporary centralized prescription handling agreement with another pharmacy, etc.).
- The pharmacy must post signage in the windows/doors of the pharmacy, and on any website maintained or social media platform used by the pharmacy, providing information for patients to follow in order to obtain counseling, have new prescriptions filled and obtain refills of their medications during the period when the pharmacy is closed.
- If the pharmacy has an answering machine message, it must also be updated to provide similar information to patients.
- Confirming that the security requirements of N.J.A.C. 13:39-4.15 will continue to be in effect during the closure.
- Confirming that the control and monitoring of the temperature in the pharmacy, required by N.J.A.C. 13:39-5.11 will continue during the closure.
- The pharmacy should email this waiver request to [rubinaccioa@dca.njoag.gov](mailto:rubinaccioa@dca.njoag.gov) and the subject line should contain the permit number of the pharmacy, the name of the pharmacy, the phrase *“Waiver request for extended closure of pharmacy”*. The email should also include a PDF attachment of this Guidance document.
- Each request will be reviewed on an individual basis and the requestor will be notified after review and consideration by the Board President.

## Actions NOT requiring a Waiver

### Early refills or dispensing up to a 90 day supply of medication:

- A patient's request for a 90-day supply of a non-controlled prescription medication will be allowed if the pharmacist deems it appropriate when exercising their professional judgment. The pharmacist should consult with the physician as required.
- A patient's request for an early refill of a non-controlled prescription medication will be allowed if the pharmacist deems it appropriate when exercising their professional judgment. The pharmacist should consult with the physician as required.
- Note that both scenarios above require a valid prescription to be in place where the total amount of medication dispensed does not exceed the total amount of medication written for by the prescriber including any refills.
- Medicaid has approved these policies. Pharmacists should not hesitate to contact other insurance providers to determine if those entities will also honor these policies.

### Relaxed requirements for delivery protocols:

- If a patient requests that medications be delivered to their home and left at their door, in a mailbox, etc., the pharmacy may do so if they:
  - Document details of the patient's request each time such a delivery is made
  - Make an attempt to call the patient as soon as the medication is left to inform them it is available for them to retrieve.
- The pharmacy is still responsible to utilize adequate methods to ensure temperature controlled conditions are maintained during facility storage, transportation, and delivery of the medications as outlined in N.J.A.C. 13:39-5.11(a)(2).
- The pharmacy must also offer to provide counseling as stated in N.J.A.C. 13:39-7.21(d).

*Last Updated: 3/13/2020*