



Summary of New Opioid Law (S-3604)

The new law has three distinct parts that affect physicians. The law takes effect immediately.

5 Day Limit

The bill fixes confusion caused by the “5 day limit” law signed earlier this year. That law used the confusing trigger of “third prescription” for informed consent. The new law removes any reference to a “third prescription” and clarifies the requirement as follows:

Prior to issuing the initial prescription of a Schedule II controlled dangerous substance or any other opioid drug ...in a course of treatment for acute pain and prior to issuing a prescription at the outset of a course of treatment for chronic pain, a practitioner shall discuss with the patient, or the patient's parent or guardian if the patient is under 18 years of age and is not an emancipated minor, the risks associated with the drugs being prescribed....

A pain management contract must be executed “Prior to the commencement of an ongoing course of treatment for chronic pain with a Schedule II controlled dangerous substance or any opioid.”

The new law also softens the 5 day limit by stating that a prescription is not an “initial prescription” if the physician knows an opioid has been prescribed *or administered* to the patient before.

PMP checks

The new law requires to prescribers to check the PMP (first time and quarterly thereafter) for virtually all DEA scheduled drugs. A PRESCRIBER MUST CHECK THE PMP FOR 1) ANY OPIOID FOR PAIN (not just schedule II) 2) SCHEDULE III AND IV BENZODIAZEPINES and 3) ANY SCHEDULED DRUG, IF THERE IS SUSPICION OF ABUSE OR DIVERSION.

The law also adds athletic trainers and medical scribes to the list of licensed professionals who may access the PMP as delegates. It also softens the requirements for medical assistants to be certified, since only certified MAs may access the PMP as delegates.

The new law removes the exemption for emergency departments to check the PMP. EDs must check the PMP once the PMP is integrated into a hospital’s EMR system.

The law allows the state to take actions to allow EMRs to access PMP data to ease physician access.

The law narrows the post-op exemption to the mandatory look up to apply only prescriptions for 5 days or less, rather than 30 days.

Medication Assisted Therapy

Federal law now allows physician assistants and advanced practice nurses to get certified for medication assisted therapy. The New Jersey law reiterates this expansion. The supervising physician does NOT need to be certified, but must agree to the practice.