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Healthcare Alert

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New Jersey issues modified guidance on Schedule II CDS prescribing requirements

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The state's Division of Consumer Affairs updated its earlier notice regarding Schedule II CDS prescribing via telehealth, clarifying in-person exam requirements and timelines.



What's the impact?

- Existing telemedicine patients may continue receiving Schedule II CDS until May 16, 2026, but cannot obtain a supply beyond that date without a visit.
- New patients are immediately subject to the in-person exam requirements of N.J.S.A. 45:1-62(e).
- Providers must plan workflows to meet in-person visit and prescription duration requirements.

This alert is a follow-up to our [February 20, 2026, advisory](#) regarding New Jersey's reinstatement of in-person examination requirements for Schedule II controlled dangerous substances (CDS) prescribing.

Since our prior alert, the New Jersey Division of Consumer Affairs' Drug Control Unit (the "Division") has issued modified guidance regarding the impact of [Executive Order \(EO\) 415](#) on CDS prescribing. The guidance, summarized below, clarifies that existing patients may continue to be prescribed Schedule II CDS without having to be seen in person through and including May 16, 2026.

New patients, that is, patients who were not seen by a physician prior to February 16, 2026, and/or established patients that were not being prescribed Schedule II CDS as of February 16, 2026, remain subject to the in-person requirements of N.J.S.A 45:1-62(e).

Background

As previously reported, on January 16, 2026, Governor Murphy signed EO 415, terminating the COVID-19 State of Emergency originally declared on March 9, 2020, effective as of 5:00 pm EST on February 16, 2026. As a result, [DCA-AO-2020-15](#) and [DCA-W-2020-14](#), which had allowed authorized prescribers to prescribe Schedule II CDS via telemedicine without a prior in-person visit, expired at 5:00 pm on Monday, February 16, 2026.

With the expiration of these emergency waivers, prescribing of Schedule II CDS in New Jersey is now subject to the provisions of N.J.S.A. 45:1-62(e), which authorize the use of telemedicine or telehealth only after an initial in-person examination and requires a subsequent in-person visit every three months. These requirements apply regardless of any continued flexibility in federal law.

The existing exception for pediatric stimulant prescriptions remains in effect. N.J.S.A. 45:1-62(e) does not require in-person examinations when a healthcare provider is prescribing a Schedule II stimulant for use by a minor patient under the age of 18, provided that the provider uses interactive, real-time, two-way audio and video technologies and has first obtained written consent from the minor patient's parent or guardian to waive the in-person examination requirements.

New Jersey Drug Control Unit modified communication

The Division has issued an [updated alert](#) to address questions regarding the transition from the emergency waiver period to the reinstated statutory requirements.

EXISTING PATIENTS

"Existing patients" are patients who were prescribed Schedule II CDS during the state of emergency without being subject to the in-person visit requirements of N.J.S.A. 45:1-62(e). Providers may continue to prescribe Schedule II CDS to existing patients without an in-person visit for a period of three months from the end date of the State of Emergency, i.e., through and

including May 16, 2026. If a provider intends to continue prescribing Schedule II CDS to an existing patient beyond May 16, 2026, the provider must see the patient in person on or before May 16, 2026. The date of the in-person patient visit occurs will thereafter be considered the “triggering date” for the statutory requirement of subsequent in-person visits every three months.

Importantly, a provider may not continue to prescribe Schedule II CDS for an existing patient in a manner that allows the patient to obtain a supply of the prescribed medication extending beyond May 16, 2026, without first completing an in-person visit.

NEW PATIENTS

“New patients” are patients who were not seen by a physician prior to February 16, 2026, and/or established patients who were not being prescribed Schedule II CDS as of February 16, 2026. New patients are subject to the requirements of N.J.S.A. 45:1-62(e) effective immediately. As of February 17, 2026, no provider may prescribe Schedule II CDS to a new patient prior to an initial in-person visit.

Practical implications for healthcare providers

The Division’s clarification provides a transitional framework that the original February 13, 2026, communication did not provide, but providers should be mindful of several key compliance considerations.

First, for existing patients, the May 16, 2026, deadline is a firm cutoff. Providers must develop plans to schedule in-person visits for all existing telemedicine patients prescribed Schedule II CDS in advance of that date. Second, providers should pay close attention to prescription duration and quantity for existing patients to ensure that no supply extends beyond May 16, 2026, without a preceding in-person visit. Third, for new patients, the in-person requirement is already in effect, and providers must ensure their workflows reflect this requirement immediately.

As noted in our prior alert, despite the continued availability of federal telemedicine flexibilities through December 31, 2026, New Jersey state law imposes stricter requirements that take precedence. Providers prescribing Schedule II CDS to patients in New Jersey must comply with the state requirements outlined above, regardless of what federal law permits.

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