

SENATE BILL 1790

By Herron

AN ACT to amend Tennessee Code Annotated, Title 63,
relative to the prescriptions for certain drugs
issued by health care providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 3, Part 1, is amended by adding the following as a new section:

§ 63-3-128. Any written or electronic order for a narcotic drug prepared by a podiatrist who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written or electronic order must contain all information otherwise required by law. The prescribing podiatrist must sign the written or electronic order on the day it is issued. Nothing in this section shall be construed to prevent a podiatrist from issuing a verbal prescription order.

SECTION 2. Tennessee Code Annotated, Section 63-5-122, is amended by adding the following as a new, appropriately designated subsection:

() Any written or electronic order for a narcotic drug prepared by a dentist who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written or electronic order must contain all information otherwise required by law.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section:

§ 63-6-239. Any written or electronic order for a narcotic drug prepared by a physician or surgeon who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written or electronic order must

contain all information otherwise required by law. The prescribing physician or surgeon must sign the written or electronic order on the day it is issued. Nothing in this section shall be construed to prevent a physician or surgeon from issuing a verbal prescription order.

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 8, Part 1, is amended by adding the following as a new section:

§ 63-8-134. Any written or electronic order for a narcotic drug prepared by an optometrist who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written or electronic order must contain all information otherwise required by law. The prescribing optometrist must sign the written or electronic order on the day it is issued. Nothing in this section shall be construed to prevent an optometrist from issuing a verbal prescription order.

SECTION 5. Tennessee Code Annotated, Title 63, Chapter 9, Part 1, is amended by adding the following as a new section:

§ 63-9-118. Any written or electronic order for a narcotic drug prepared by an osteopathic physician who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written or electronic order must contain all information otherwise required by law. The prescribing osteopathic physician must sign the written or electronic order on the day it is issued. Nothing in this section shall be construed to prevent an osteopathic physician from issuing a verbal prescription order.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by adding the following as a new section:

§ 63-10-215.

(a) No pharmacist may dispense narcotic medication pursuant to a written or electronic order issued by a prescriber in this state unless the written or electronic order is made as separate prescription order from non-narcotic prescription. Nothing in this section shall be construed to prohibit a pharmacist from dispensing medication pursuant to a verbal prescription order.

(b) Nothing in this section shall be construed to prevent a pharmacist from dispensing medication prior to authorization in accordance with § 63-10-407.

SECTION 7. Tennessee Code Annotated, Section 63-7-123(b)(3), is amended by adding the following language at the end of that subdivision:

(F) Any written or electronic prescription order for a narcotic drug prepared by a nurse practitioner who is authorized by law to prescribe a drug must be printed or typed as a separate prescription order. The written or electronic prescription order must contain all information otherwise required by law. The prescribing nurse practitioner must sign the written or electronic prescription order on the day it is issued.

SECTION 8. Tennessee Code Annotated, Section 63-19-107(2)(G), is amended by adding the following language at the end of that subdivision:

(F) Any written or electronic prescription order for a drug prepared by a physician assistant who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription. The written or electronic prescription order must contain all information otherwise required by law. The prescribing physician assistant must sign the written or electronic prescription order on the day it is issued. Nothing in this section shall be construed to prevent a physician assistant from issuing a verbal prescription order.

SECTION 9. Nothing in this act shall be construed as limiting any practitioner's or pharmacist's ability to order the use of or distribute non-prescription drugs or devices otherwise in accordance with applicable law.

SECTION 10. Nothing in this act shall be construed as limiting any professional nurse's ability to issue drugs in accordance with the provisions of Tennessee Code Annotated, Section 63-7-124.

SECTION 11. The department of health, division of health related boards and the board of pharmacy, are authorized to promulgate uniform rules to effect the purposes of this act in accordance with Tennessee Code Annotated, Title 4, Chapter 5. The power and duty to enforce those rules shall be vested in the various boards that regulate health care providers affected by this act, in accordance with Tennessee Code Annotated, Section 63-1-122.

SECTION 12. This act shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 14. For purposes of issuing rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2009, the public welfare requiring it.