

PUBLIC CHAPTER NO. 795

SENATE BILL NO. 1790

By Herron, Burks

Substituted for: House Bill No. 568

By Shepard

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, printed or computer-generated order for a Schedule II controlled substance prepared by a podiatrist who is authorized by law to prescribe a drug must be written legibly, printed or computer-generated as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing podiatrist must sign the written, printed or computer-generated order on the day it is issued.

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

(_) Any written, printed or computer-generated order for a Schedule II controlled substance 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, printed or computer-generated order must contain all information otherwise required by law. The prescribing dentist must sign the written, printed or computer-generated order on the day it is issued.

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, printed or computer-generated order for a Schedule II controlled substance 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, printed or computer-generated order must contain all information otherwise required by law. The prescribing physician or surgeon must sign the written, printed or computer-generated 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, printed or computer-generated order for a Schedule II controlled substance 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, printed or computer-generated order must contain all information otherwise required by law. The prescribing optometrist must sign the written, printed or computer-generated 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, printed or computer-generated order for a Schedule II controlled substance 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, printed or computer-generated order must contain all information otherwise required by law. The prescribing osteopathic physician must sign the written, printed or computer-generated 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, Section 63-7-123(b)(3), is amended by adding the following language at the end of that subdivision:

(F) Any written, printed or computer-generated prescription order for a Schedule II controlled substance prepared by an advanced practice nurse who is authorized by law to prescribe a drug must be printed or typed as a separate prescription order. The written, printed or computer-generated prescription order must contain all information otherwise required by law. The prescribing advanced practice nurse must sign the written, printed or computer-generated prescription order on the day it is issued.

SECTION 7. 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, printed or computer-generated prescription order for a Schedule II controlled substance 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, printed or computer-generated prescription order must contain all information otherwise required by law. The prescribing physician assistant must sign the written, printed or computer-generated prescription order on the day it is issued.

SECTION 8. 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 9. Sections 1 through 7 of this act shall not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the physician or other person authorized to write prescriptions, writes the order into the hospital medical record and the patient or patient's agent or representative never has the opportunity to handle the written order, a nursing home, or an assisted care living facility as defined in § 68-11-201 or inpatients or residents of a mental health hospital or residential facility licensed under Title 33 or individuals incarcerated in a local, state or federal correctional facility.

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 healthcare providers affected by this act, in accordance with Tennessee Code Annotated, Section 63-1-122.

SECTION 12. Tennessee Code Annotated, Section 63-6-236, is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 13. Tennessee Code Annotated, Section 63-3-127(a), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 14. Tennessee Code Annotated, Section 63-5-122(c), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 15. Tennessee Code Annotated, Section 63-8-126(a), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 16. Tennessee Code Annotated, Section 63-9-116(a), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 17. Tennessee Code Annotated, Section 63-7-123(b)(3)(B), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 18. Tennessee Code Annotated, Section 63-19-107(2)(E)(ii), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 19. This act shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 20. 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 21. 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 January 1, 2011, the public welfare requiring it.

PASSED: April 5, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of April 2010



PHIL BREDESEN, GOVERNOR