

CHAPTER NO. 12**SENATE BILL NO. 470****By Finney****Substituted for: House Bill No. 801****By Armstrong, Hargett, Pruitt, Odom, Mike Turner**

AN ACT to amend Tennessee Code Annotated, Title 63, relative to drug prescriptions.

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

SECTION 1. Tennessee Code Annotated, Section 63-3-127, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any handwritten prescription order for a drug prepared by a podiatrist who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing podiatrist; the name and strength of the drug prescribed; the quantity of the drug prescribed, handwritten in both letters and numerals; instructions for the proper use of the drug; and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing podiatrist must sign the handwritten prescription order on the day it is issued unless it is a standing order issued in a hospital, a nursing home or an assisted care living facility as defined in §68-11-201.

(b) Any typed or computer-generated prescription order for a drug issued by a podiatrist who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order. The typed or computer-generated prescription order must contain the name of the prescribing podiatrist; the name and strength of the drug prescribed; the quantity of the drug prescribed, recorded in letters or in numerals; instructions for the proper use of the drug; and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing podiatrist must sign the typed or computer-generated prescription order on the day it is issued unless it is a standing order issued in a hospital, nursing home or an assisted care living facility as defined in §68-11-201.

(c) 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(c), is amended by deleting that subsection in its entirety and by substituting instead the following:

(c) Any handwritten prescription order for a drug prepared by a dentist who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing dentist; the name and strength of the drug prescribed; the quantity of the drug prescribed, handwritten in both letters and numerals; instructions for

the proper use of the drug; and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing dentist must sign the handwritten prescription order on the day it is issued unless it is a standing order issued in a hospital, a nursing home or an assisted care living facility as defined in §68-11-201.

(d) Any typed or computer-generated prescription order for a drug issued by a dentist who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order. The typed or computer-generated prescription order must contain the name of the prescribing dentist; the name and strength of the drug prescribed; the quantity of the drug prescribed, recorded in letters or in numerals; instructions for the proper use of the drug; and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing dentist must sign the typed or computer-generated prescription order on the day it is issued unless it is a standing order issued in a hospital, nursing home or an assisted care living facility as defined in §68-11-201.

(e) Nothing in this section shall be construed to prevent a dentist from issuing a verbal prescription order.

SECTION 3. Tennessee Code Annotated, Section 63-6-236, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any handwritten prescription order for a drug prepared by a physician or surgeon who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing physician or surgeon; the name and strength of the drug prescribed; the quantity of the drug prescribed, handwritten in both letters and numerals; instructions for the proper use of the drug; and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician or surgeon must sign the handwritten prescription order on the day it is issued unless the prescription order is:

(1) Issued as a standing order in a hospital, a nursing home or an assisted care living facility as defined in §68-11-201; or

(2) Prescribed by a physician or surgeon in the department of health or local health departments or dispensed by the department of health or a local health department as stipulated in §63-10-205.

(b) Any typed or computer-generated prescription order for a drug issued by a physician or surgeon who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the typed or computer-generated prescription order. The prescription order must contain the name of the prescribing physician or surgeon; the name and strength of the drug prescribed; the quantity of the drug prescribed, recorded in letters or in numerals; instructions for the proper use of the drug; and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician or surgeon must sign the typed or computer-generated prescription order on the day it is issued unless the prescription order is:

(1) Issued as a standing order in a hospital, nursing home or an assisted care living facility as defined in §68-11-201; or

(2) Prescribed by a physician or surgeon in the department of health or local health departments or dispensed by the department of health or a local health department as stipulated in §63-10-205.

(c) Nothing in this section shall be construed to prevent a physician or surgeon from issuing a verbal prescription order.

SECTION 4. Tennessee Code Annotated, Section 63-7-123(b)(3), is amended by deleting all the language after the end of the third sentence and by renumbering the remaining language as subdivision (3)(A) and adding the following new subdivisions:

(B) Any handwritten prescription order for a drug prepared by a nurse practitioner who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing nurse practitioner; the name and strength of the drug prescribed; the quantity of the drug prescribed, handwritten in both letters and numerals; instructions for the proper use of the drug; and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing nurse practitioner must sign the handwritten prescription order on the day it is issued unless the prescription order is:

(i) Issued as a standing order in a hospital, a nursing home or an assisted care living facility as defined in §68-11-201; or

(ii) Prescribed by a nurse practitioner in the department of health or local health departments or dispensed by the department of health or a local health department as stipulated in §63-10-205.

(C) Any typed or computer-generated prescription order for a drug issued by a nurse practitioner who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order. The typed or computer-generated prescription order must contain the name of the prescribing nurse practitioner; the name and strength of the drug prescribed; the quantity of the drug prescribed, recorded in letters or in numerals; instructions for the proper use of the drug; and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing nurse practitioner must sign the typed or computer-generated prescription order on the day it is issued unless the prescription order is:

(i) Issued as a standing order in a hospital, nursing home or an assisted care living facility as defined in §68-11-201; or

(ii) Prescribed by a nurse practitioner in the department of health or local health departments or dispensed by the department of health or a local health department as stipulated in §63-10-205.

(D) Nothing in this section shall be construed to prevent a nurse practitioner from issuing a verbal prescription order.

SECTION 5. Tennessee Code Annotated, Section 63-8-126, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any handwritten prescription order for a drug prepared by an optometrist who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing optometrist; the name and strength of the drug prescribed; the quantity of the drug prescribed, handwritten in both letters and numerals; instructions for the proper use of the drug; and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing optometrist must sign the handwritten prescription order on the day it is issued unless it is a standing order issued in a hospital, a nursing home or an assisted care living facility as defined in §68-11-201.

(b) Any typed or computer-generated prescription order for a drug issued by an optometrist who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order. The typed or computer-generated prescription order must contain the name of the prescribing optometrist; the name and strength of the drug prescribed; the quantity of the drug prescribed, recorded in letters or in numerals; instructions for the proper use of the drug; and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing optometrist must sign the typed or computer-generated prescription order on the day it is issued unless it is a standing order issued in a hospital, nursing home or an assisted care living facility as defined in §68-11-201.

(c) Nothing in this section shall be construed to prevent an optometrist from issuing a verbal prescription order.

SECTION 6. Tennessee Code Annotated, Section 63-9-116, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any handwritten prescription order for a drug prepared by an osteopathic physician who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing osteopathic physician; the name and strength of the drug prescribed; the quantity of the drug prescribed, handwritten in both letters and numerals; instructions for the proper use of the drug; and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing osteopathic physician must sign the handwritten prescription order on the day it is issued unless the prescription order is:

(1) Issued as a standing order in a hospital, a nursing home or an assisted care living facility as defined in §68-11-201; or

(2) Prescribed by an osteopathic physician in the department of health or local health departments or dispensed by the department of health or a local health department as stipulated in §63-10-205.

(b) Any typed or computer-generated prescription order for a drug issued by an osteopathic physician who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order. The typed or computer-generated prescription order must contain the name of the prescribing osteopathic physician; the name and strength of the drug prescribed; the quantity of the drug prescribed, recorded in letters or in numerals; instructions for the proper use of the drug; and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing osteopathic physician must sign the typed or computer-generated prescription order on the day it is issued unless the prescription order is:

(1) Issued as a standing order in a hospital, nursing home or an assisted care living facility as defined in §68-11-201; or

(2) Prescribed by an osteopathic physician in the department of health or local health departments or dispensed by the department of health or a local health department as stipulated in §63-10-205.

(c) Nothing in this section shall be construed to prevent an osteopathic physician from issuing a verbal prescription order.

SECTION 7. Tennessee Code Annotated, Section 63-10-213(a) and (b), are amended by deleting the subsections in their entirety and by substituting instead the following:

(a) No pharmacist may dispense medication pursuant to a handwritten, typed or computer-generated prescription order for a drug issued by a prescriber in this state unless the prescription order is comprehensible to the pharmacist. Nothing in this section shall be construed to prohibit a pharmacist from dispensing medication pursuant to a verbal prescription order.

(b) if a prescriber issues a prescription order, then it is the duty of the prescriber to issue a legible order. A pharmacist shall make a reasonable attempt to contact the prescriber to seek clarification of a prescription order that is not comprehensible to the pharmacist, in which case the pharmacist must not dispense medication until the pharmacist obtains clarification. A pharmacist shall not be liable to any person for any reasonable delay caused when a pharmacist has reasonably sought clarification of a prescription order.

SECTION 8. Tennessee Code Annotated, Section 63-19-107(2)(E), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2)(E)(i) Every prescription order issued by a physician assistant pursuant to this section shall be entered in the medical records of the patient and shall be written on a preprinted prescription pad bearing the name, address, and telephone number of the supervising physician and of the physician assistant, and the physician assistant shall sign each prescription order so written. Where the preprinted prescription pad contains the names of more than one (1) physician, the physician assistant shall indicate on the prescription which of those physicians is

the physician assistant's primary supervising physician by placing a checkmark beside or a circle around the name of that physician.

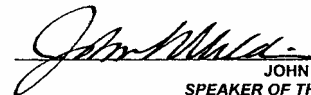
(ii) Any handwritten prescription order for a drug prepared by a physician assistant who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing physician assistant; the name and strength of the drug prescribed; the quantity of the drug prescribed, handwritten in both letters and numerals; instructions for the proper use of the drug; and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician assistant must sign the handwritten prescription order on the day it is issued unless it is a standing order issued in a hospital, a nursing home or an assisted care living facility as defined in §68-11-201.


(iii) Any typed or computer-generated prescription order for a drug issued by a physician assistant who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order. The typed or computer-generated prescription order must contain the name of the prescribing physician assistant; the name and strength of the drug prescribed; the quantity of the drug prescribed, recorded in letters or in numerals; instructions for the proper use of the drug; and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician assistant must sign the typed or computer-generated prescription order on the day it is issued unless it is a standing order issued in a hospital, nursing home or an assisted care living facility as defined in §68-11-201.

(iv) Nothing in this section shall be construed to prevent a physician assistant from issuing a verbal prescription order.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 14, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 29th day of March 2005


PHIL BREDESEN, GOVERNOR