

HOUSE BILL 319

By Shepard

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 10, Part 4 and Title 63, relative to tamper-resistant prescriptions.

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

SECTION 1. Tennessee Code Annotated, Section 53-10-401, is amended by deleting subsections (a), (b) and (d) in their entirety and by substituting instead the following:

(a) All prescriptions written or printed by practitioners authorized to write prescriptions in this state shall be written on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current centers for medicare and medicaid services guidance to state medicaid directors regarding § 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, P.L. 110-28, and meets or exceeds specific TennCare requirements for tamper-resistant prescriptions.

(b) A pharmacist shall not fill a written prescription from a Tennessee practitioner unless issued in compliance with tamper-resistant prescription requirements as described in subsection (a), except that a pharmacist may provide emergency supplies in accordance with TennCare or other insurance contract requirements. Nothing in this section shall be construed to impact regulations regarding verbal, facsimile, electronic, or out-of-state prescription practices.

(d) Unique serial numbers may be included on tamper-resistant prescriptions for purposes of enhancing efforts to track and enforce any potential fraud. Inclusion of such numbers on the prescription shall not be construed as obligating prescribers or pharmacists to any additional tracking, monitoring or reporting requirements and

prescribers and pharmacists shall bear no responsibility or liability with respect to the potential use of these unique serial numbers for enforcement purposes.

SECTION 2. Tennessee Code Annotated, Section 63-3-127(d)(1), is amended by deleting the subdivision in its entirety and by replacing it with the following:

(d)

(1) All handwritten, typed or computer-generated prescription orders must be issued on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current centers for medicare and medicaid service guidance to state medicaid directors regarding § 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, P.L. 110-28, and meets or exceeds specific TennCare requirements for tamper-resistant prescriptions.

SECTION 3. Tennessee Code Annotated, Section 63-5-122(f)(1), is amended by deleting the subdivision in its entirety and by replacing it with the following:

(f)

(1) All handwritten, typed or computer-generated prescription orders must be issued on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current centers for medicare and medicaid service guidance to state medicaid directors regarding § 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, P.L. 110-28, and meets or exceeds specific TennCare requirements for tamper-resistant prescriptions.

SECTION 4. Tennessee Code Annotated, Section 63-6-236(d)(1), is amended by deleting the subdivision in its entirety and by replacing it with the following:

(d)

(1) All handwritten, typed or computer-generated prescription orders must be issued on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current centers for medicare and medicaid service guidance to state medicaid directors regarding § 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, P.L. 110-28, and meets or exceeds specific TennCare requirements for tamper-resistant prescriptions.

SECTION 5. Tennessee Code Annotated, Section 63-7-123(b)(3)(E)(i), is amended by deleting the subdivision in its entirety and by replacing it with the following:

(E)

(i) All handwritten, typed or computer-generated prescription orders must be issued on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current centers for medicare and medicaid service guidance to state medicaid directors regarding § 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007, P.L. 110-28, and meets or exceeds specific TennCare requirements for tamper-resistant prescriptions.

SECTION 6. Tennessee Code Annotated, Section 63-8-126(d)(1), is amended by deleting the subdivision in its entirety and by replacing it with the following:

(d)

(1) All handwritten, typed or computer-generated prescription orders must be issued on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current

centers for medicare and medicaid service guidance to state medicaid directors regarding § 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, P.L. 110-28, and meets or exceeds specific TennCare requirements for tamper-resistant prescriptions.

SECTION 7. Tennessee Code Annotated, Section 63-9-116(d)(1), is amended by deleting the subdivision in its entirety and by replacing it with the following:

(d)

(1) All handwritten, typed or computer-generated prescription orders must be issued on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current centers for medicare and medicaid service guidance to state medicaid directors regarding § 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, P.L. 110-28, and meets or exceeds specific TennCare requirements for tamper-resistant prescriptions.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.