

HOUSE BILL 635

By Maggart

AN ACT to amend Tennessee Code Annotated, Title 53
and Title 63, relative to prescription drugs for
transplant patients.

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

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 10, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 53-10-211.

(a) As used in this section:

(1) "Immunosuppressive drug" means:

(A) Any drug prescribed to prevent the immune system from rejecting transplant solid organs or tissue; or

(B) A drug used to treat or prevent organ or tissue rejection; and

(2) "Interchange" means the dispensing of one (1) manufacturer of an immunosuppressive drug for a different manufacturer of an immunosuppressive drug for which the patient is currently receiving therapy. This includes the substitution of a generic version for a brand version, a brand version for a generic version, or a generic version for a generic version by a different manufacturer.

(b) A pharmacist, pharmacy intern or pharmacy technician shall provide notification to the patient, a family member, or other relative, or a close personal friend of the individual or any other person identified by the patient before interchanging one (1) manufacturer of an immunosuppressive drug for another manufacturer of an immunosuppressive drug in instances where said patient's immunosuppressive therapy is currently being controlled on a specific drug, strength, dosage form, and dosing

regimen from a specific manufacturer. The prescriber of such medication shall be notified prior to the interchange by means that may include, but are not limited to, fax, telephone or e-mail.

(c) This section shall not apply to prescriptions dispensed for inpatients of a hospital, 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

SECTION 2. Tennessee Code Annotated, Section 53-10-204(a), is amended by deleting the word "or" at the end of the subdivision (2); by deleting the punctuation "." at the end of subdivision (3) and substituting instead a semi-colon and the word "or"; and by adding the following language as a new subdivision:

(4) Section 53-10-211 concerning notification to the patient and the prescriber has not been compiled with in instances involving an immunosuppressive drug.

SECTION 3. The general assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.