

HOUSE BILL 843

By Sexton C

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 10, Part 3; Title 63, Chapter 1, Part 1 and Title 63, Chapter 1, Part 4, relative to prescriptions.

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

SECTION 1. Tennessee Code Annotated, Section 53-10-306(a), is amended by adding the following as a new subdivision (4) and renumbering the existing subdivision (4) and subsequent subdivisions accordingly:

(4) A healthcare practitioner under review by a quality improvement committee, as defined in § 63-1-150, who submits information contained in, and reported from the database to a quality improvement committee;

SECTION 2. Tennessee Code Annotated, Section 53-10-306(a), is amended by adding the following as a new subdivision (9) and renumbering the existing subdivision (9) and subsequent subdivisions accordingly:

(9) A quality improvement committee, as defined in § 63-1-150, of a group practice that is engaged in the provision of healthcare services, as part of the committee's confidential and privileged activities under § 63-1-150(c)(3) with respect to the evaluation of the safety, quality, appropriateness, or necessity of healthcare services performed by a healthcare practitioner, if the information is furnished to a quality improvement committee by the healthcare practitioner that is the subject of review by the quality improvement committee;

SECTION 3. Tennessee Code Annotated, Section 63-1-160, is amended by deleting subsection (b) and substituting the following:

(b) All written, printed, or electronic prescription orders for a Schedule II controlled substance must contain all information otherwise required by law. The healthcare prescriber must sign the written, printed, or electronic prescription order on the day it is issued. Nothing in this section prevents a healthcare prescriber from issuing a verbal prescription order.

SECTION 4. Tennessee Code Annotated, Section 63-1-160, is amended by deleting subsection (c) and substituting the following:

(c) Subject to subsection (d), on or after January 1, 2021, any prescription for a Schedule II, III, IV, or V controlled substance issued by a prescriber who is authorized by law to prescribe the drug must be issued as an electronic prescription from the person issuing the prescription to a pharmacy. The name, address, and telephone number of the collaborating physician of an advanced practice registered nurse or physician assistant must be included on electronic prescriptions issued by an advance practice registered nurse or physician assistant.

SECTION 5. Tennessee Code Annotated, Section 63-1-163(a)(1), is amended by deleting the language "controlled substance" and substituting the language "Schedule II controlled substance".

SECTION 6. Tennessee Code Annotated, Section 63-1-163(b)(1), is amended by deleting the language "controlled substance" and substituting the language "Schedule II controlled substance".

SECTION 7. Tennessee Code Annotated, Section 63-1-163(e), is amended by deleting the language "controlled substance" wherever it appears and substituting instead "Schedule II controlled substance".

SECTION 8. Tennessee Code Annotated, Section 63-1-163, is amended by adding the following as a new subsection:

(f)

(1) By January 1, 2020, all pharmacy dispensing software vendors operating in this state shall update their dispensing software systems to allow for partial filling of controlled substances pursuant to this section and submit documentation of compliance to the board of pharmacy. The board of pharmacy is authorized to take action against pharmacy dispensing software vendors for non-compliance with this section.

(2) Any pharmacist acting in good faith and with reasonable care in the partial filling of controlled substances is immune from disciplinary or other adverse administrative actions if the pharmacy dispensing software system at the pharmacy at which they dispense is not compliant with this section.

(3) Nothing in this section conflicts with or supersedes federal law or drug enforcement administration rules authorizing partial dispensing or partial filling of Schedule II prescriptions for terminally ill or long-term care facility patients, or for partial fill of Schedules III-V controlled substances.

SECTION 9. Tennessee Code Annotated, Section 63-1-164(a), is amended by adding the following as a new subdivision:

"Palliative care" means specialized care for people facing serious illness, focusing on providing relief of suffering to maximize quality of life for both the patient and the family. As used in this subdivision, "serious illness" means a health condition that carries a high risk of mortality and negatively impacts a person's daily function or quality of life, or excessively strains caregivers.

SECTION 10. Tennessee Code Annotated, 63-1-164(b), is amended by deleting the subsection and substituting the following:

Except as provided in this section, a healthcare practitioner shall not treat a patient with more than a three-day supply of an opioid and shall not treat a patient with

an opioid dosage that exceeds a total of one hundred eighty (180) morphine milligram equivalent dose. A healthcare practitioner shall not be required to include an ICD-10 code on any prescription for an opioid of a three-day supply or less and an opioid dosage of less than one hundred eighty (180) morphine milligram equivalent.

SECTION 11. Tennessee Code Annotated, Section 63-1-164(c)(2), is amended by deleting the subdivision and substituting the following:

Notwithstanding subdivision (c)(1), where the treatment provided by a healthcare practitioner is prescribing an opioid, the healthcare practitioner may authorize the prescription to be dispensed by partial fill by placing "partial fill" or "PF" on the prescription.

SECTION 12. Tennessee Code Annotated, Section 63-1-164(d)(3), is amended by deleting the subdivision.

SECTION 13. Tennessee Code Annotated, Section 63-1-164(e)(1), is amended by deleting the subdivision and substituting the following:

The treatment of patients who are undergoing cancer treatment, undergoing palliative care treatment, or receiving hospice care;

SECTION 14. Tennessee Code Annotated, Section 63-1-164(e)(9), is amended by deleting the subdivision and substituting the following:

The treatment of a patient who has suffered a severe burn, major physical trauma, or major surgery, as those terms are defined by the controlled substance database committee by rule and adopted by the licensing boards created pursuant to title 63, and sound medical judgment would determine the risk of adverse effects from the pain exceeds the risk of the development of a substance use disorder or overdose event.

SECTION 15. Tennessee Code Annotated, Section 63-1-164, is amended by adding the following as a new subsection:

This section does not apply to opioids approved by the food and drug administration to treat upper respiratory symptoms or cough.

SECTION 16. Tennessee Code Annotated, Section 63-1-401, is amended by deleting the section.

SECTION 17. SECTION 8 of this act shall take effect July 1, 2019, the public welfare requiring it. All other provisions of this act shall take effect upon becoming a law, the public welfare requiring it.