

HOUSE BILL 2440

By Terry

AN ACT to amend Tennessee Code Annotated, Title 53
and Title 63, relative to prescriptions for controlled
substances.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Original prescription" means a prescription for an opioid from an
authorized prescriber that is presented by the patient to the pharmacist or
submitted electronically to the pharmacy; and

(2) "Partial fill" means a prescription filled in a lesser quantity than the
amount specified on the prescription for the patient.

(b)

(1) A prescription for an opioid may be partially filled if:

(A) The partial fill is requested by the patient or the practitioner
who wrote the prescription; and

(B) The total quantity dispensed through partial fills pursuant to
subdivision (b)(1)(A) does not exceed the total quantity prescribed for the
original prescription.

(2) If a partial fill is made, the pharmacist shall retain the original
prescription at the pharmacy where the prescription was first presented and the
partial fill dispensed.

(3) Any subsequent fill shall occur at the pharmacy that initially dispensed the partial fill; provided, that any subsequent fill shall be filled within thirty (30) days from issuance of the original prescription.

(c)

(1) If a partial fill is dispensed, the pharmacist shall only record in the controlled substance database the partial fill actually dispensed.

(2) If a partial fill is dispensed, the pharmacist shall notify the prescribing practitioner of the partial fill and of the amount actually dispensed:

(A) Through a notation in the interoperable electronic health record of the patient;

(B) By electronic or facsimile transmission; or

(C) Through a notation in the patient's record that is maintained by the pharmacy, and that is accessible to the practitioner upon request.

(3) Nothing in this section shall be construed to conflict with or supersede any other requirement established in this part or title 53, chapter 10 or 11, for a prescription of an opioid.

(d)

(1) A person who presents a prescription for a partial fill pursuant to this section shall be required to pay the required cost sharing or copayment as required by the person's health insurance coverage for the partial fill of a prescription.

(2) Notwithstanding title 56 to the contrary, a health insurance entity, as defined in § 56-7-109, or other payer shall not require the insured to pay any additional cost-sharing for subsequent partial fills of the original prescription.

SECTION 2. This act shall take effect January 1, 2019, the public welfare requiring it.