

SENATE BILL 2621

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 14; Title 53; Title 63 and Title 68, relative to
standing orders.

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

SECTION 1. Tennessee Code Annotated, Title 14, Chapter 4, is amended by adding the following as a new section:

(a) A physician licensed under title 63, chapter 6 or 9, a physician assistant licensed under title 63, chapter 19, or an advanced practice registered nurse licensed under title 63, chapter 7, acting in good faith and exercising reasonable care may prescribe ivermectin by standing order. A prescription ordered under an ivermectin standing order is regarded as being issued for a legitimate medical purpose in the usual course of professional practice.

(b) A standing order for ivermectin must specify a protocol allowing a pharmacist licensed under title 63, chapter 10 to:

(1) Dispense ivermectin under the delegated prescriptive authority of the physician, physician assistant, or advanced practice registered nurse;

(2) Specify a mechanism to document screening performed and the prescription in the patient's medical record; and

(3) Include a plan for evaluating and treating adverse events.

(c) An ivermectin prescription dispensed under a standing order is regarded as being dispensed for a legitimate medical purpose in the usual course of the practice of pharmacy.

(d) Notwithstanding title 53, chapter 10; title 63; and title 68, a licensed pharmacist following a standing order may dispense ivermectin to a person without a prior prescription.

(e) A pharmacist shall provide each recipient of ivermectin dispensed pursuant to this section with a standardized information sheet developed by the board of pharmacy, written in plain language, which must include a statement on the importance of follow-up care and health care referral information. The information sheet shall not contain information that discourages the recipient from using ivermectin for the treatment of COVID-19, as defined in § 14-1-101.

(f) A pharmacist or pharmacy that dispenses, and a physician, physician assistant, or advanced practice registered nurse that prescribes ivermectin based on a standing order is prohibited from seeking personal financial benefit by participating in an incentive-based program or accepting an inducement that influences or encourages therapeutic or product changes or the ordering of tests or services.

(g)

(1) A health-related board shall not deny, revoke, suspend, or otherwise take disciplinary action against a physician, physician assistant, or advanced practice registered nurse based on the physician, physician assistant, or advanced practice registered nurse prescribing ivermectin via a standing order or based on a pharmacist following or failing to follow the physician's, physician assistant's, or advanced practice nurse's standing order for ivermectin.

(2) The board of pharmacy shall not deny, revoke, suspend, or otherwise take disciplinary action against a pharmacist who:

(A) Follows or fails to follow a standing order for ivermectin; or

(B) Follows a standing order for ivermectin based on a defect in the standing order.

(h) As used in this section, "standing order" means a written and signed protocol authored by one (1) or more:

- (1) Physician licensed under title 63, chapter 6 or 9;
- (2) Physician assistant licensed under title 63, chapter 19; or
- (3) Advanced practice registered nurse licensed under title 63, chapter 7.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.