

Amendment No. 1 to HB2139

Ramsey
Signature of Sponsor

AMEND Senate Bill No. 1992*

House Bill No. 2139

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-10-204(35), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(35)

(35) "Practice of pharmacy" means a patient-oriented health service profession in which pharmacists interact and consult with patients and other health care professionals to enhance patients' wellness, prevent illness, and optimize outcomes. The practice involves:

(i) Interpretation, evaluation and implementation of medical orders and prescription orders;

(ii) Responsibility for compounding and dispensing prescription orders, including radioactive substances;

(iii) Participation in drug, dietary supplement and device selection, storage, distribution and administration;

(iv) Drug evaluation, utilization or regimen review;

(v) Maintenance of patient profiles and other pharmacy records;

(vi) Provision of patient education and counseling;

(vii) Provision of patient care services and activities pursuant to a collaborative pharmacy practice agreement;

(viii) Drug or drug-related research; and

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(ix) Those professional acts, professional decisions or professional services necessary to maintain all areas of a patient's pharmacist-provided care;

(B) Nothing in this chapter authorizes a pharmacist to order laboratory tests or prescribe any prescription drugs except pursuant to a medical order by the attending prescriber for each patient or pursuant to a collaborative pharmacy practice agreement jointly agreed upon by a pharmacist or pharmacists and a prescriber or prescribers; provided, that pharmacists are authorized to conduct and assist patients with tests approved for home use. Pharmacists may convey orders for laboratory tests when authorized by the attending prescriber and may prescribe prescription drugs when required to carry out a medical order or perform activities pursuant to a collaborative pharmacy practice agreement when authorized by the attending prescriber;

SECTION 2. Tennessee Code Annotated, Section 63-10-204(38), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(38) "Prescription order" means and includes any order, communicated through written, verbal or electronic means by a physician, certified physician assistant, nurse authorized pursuant to § 63-6-204, who is prescribing under the supervision, control and responsibility of a licensed physician, and who meets the requirements pursuant to § 63-7-207(14), pharmacist in accordance with a collaborative pharmacy practice agreement

pursuant to this section, dentist, veterinarian, optometrist authorized pursuant to § 63-8-102(12), or other allied medical practitioner, for any drug, device or treatment. Nothing in this chapter shall prohibit the verbal communication to a pharmacist of a direct order for a prescription from a physician, registered nurse, licensed practical nurse or physician assistant pursuant to § 63-6-204, or dentist, veterinarian, optometrist authorized pursuant to § 63-8-102(12), or other allied medical practitioner by a pharmacist pursuant to § 63-9-113 nor shall this chapter prohibit verbal communication of a direct order for a prescription from one (1) pharmacist to another when ordered pursuant to a collaborative pharmacy practice agreement;

SECTION 3. Tennessee Code Annotated, Section 63-10-204, is amended by adding the following as new subdivisions to be appropriately designated:

() "Collaborative pharmacy practice" is the practice of pharmacy whereby one (1) or more licensed pharmacists licensed in this state, jointly and voluntarily work with one (1) or more prescribers licensed in this state, under a collaborative pharmacy practice agreement to provide patient care services, to achieve optimal medication use and desired patient outcomes;

() "Collaborative pharmacy practice agreement" is a written and signed agreement entered into voluntarily between one (1) or more licensed pharmacists in this state, and one (1) or more prescribers licensed in this state, each of whom is in active practice in this state providing patient care services in this state, that provides for collaborative pharmacy practice, as defined by law;

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by adding the following as a new section:

63-10-217.

(a) A collaborative pharmacy practice agreement under this chapter shall be between one (1) or more pharmacists licensed in this

state and an individual prescriber licensed in this state, or one (1) or more prescribers licensed in this state in an organized medical group, including but not limited to, staff of a licensed health care facility, clinic, group medical practice, accountable care organization, or patient-centered medical home. When a collaborative practice pharmacy agreement is being established between a pharmacist or pharmacists and an organized medical group or one (1) or more members employed or contracted by an organized medical group, the chief medical officer, medical director, or a designated physician in that group shall be required to approve the collaborative pharmacy practice agreement in order to permit provision of patient care services, as defined in the collaborative pharmacy practice agreement.

(b) The collaborative pharmacy practice agreement shall define the nature and scope of patient care services to be provided by the pharmacist. The prescriber or prescribers entering into the agreement retain the ultimate authority regarding the scope of services provided by pharmacists in accordance with a collaborative pharmacy practice agreement. The patient care services authorized to be provided by one (1) or more pharmacists in accordance with a collaborative pharmacy practice agreement shall be within the scope of practice of the authorizing prescriber or prescribers. Any patient care services provided by a pharmacist or pharmacists pursuant to a collaborative pharmacy practice agreement shall be documented in a patient record accessible by the pharmacist and the prescriber or communicated to the prescriber or prescribers within three (3) business days in accordance with the provisions of the collaborative pharmacy practice agreement.

(c) An individual prescriber licensed in this state or one (1) or more prescribers licensed in this state in an organized medical group, as described in the definition of collaborative pharmacy practice agreement in § 63-10-204, may employ pharmacists for the purpose of providing patient care services pursuant to a collaborative pharmacy practice agreement, as defined in § 63-10-204, for the benefit of a patient or patients of that prescriber or prescribers in that organized medical group. No retail pharmacy may employ a prescriber for the purpose of maintaining, establishing or entering into a collaborative practice agreement with a patient. Nothing shall prohibit a pharmacy or pharmacist or group of pharmacists from employing or entering into a professional contract with a physician or licensed medical practitioner for the purpose of conducting quality assurance reviews of its pharmacists that are engaged in the practice of collaborative drug therapy.

(d) If the collaborative practice agreement includes one (1) or more prescribers who are either advanced practice nurses (APN) or physician assistants (PA), the supervising physician who has primary responsibility for supervising the APN or PA, must also approve and sign the collaborative pharmacy practice agreement. The supervising physician may only approve a collaborative pharmacy practice agreement of an APN or PA if the services authorized in the agreement are included in the routine services delivered by the supervising physician in the physician's medical practice. An authorizing prescriber entering into collaborative pharmacy practice agreements shall be available for consultation with the pharmacist or pharmacists as needed.

(e) Pharmacists and authorizing prescribers entering into collaborative pharmacy practice agreements shall maintain a copy of the written collaborative pharmacy practice agreement on file at their places of practice.

(f) Collaborative pharmacy practice agreements shall be reviewed and renewed biennially, at a minimum.

(g) The board of pharmacy, in collaboration with the board of medical examiners and board of osteopathic examination, shall promulgate rules establishing appropriate minimum standards applicable for provisions to be contained in any collaborative practice agreement, including, but not limited to, provisions regarding drugs or drug categories such as controlled substances covered under the collaborative pharmacy practice agreement. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. Tennessee Code Annotated, Section 63-6-204(b), is amended by deleting the language "or a licensed practical nurse" and by substituting instead the language "a licensed practical nurse, or a pharmacist pursuant to a collaborative pharmacy practice agreement,".

SECTION 6. Tennessee Code Annotated, Section 63-9-113, is amended by deleting the language "or a licensed practical nurse" and by substituting instead the language "a licensed practical nurse, or a pharmacist pursuant to a collaborative pharmacy practice agreement,".

SECTION 7. This act shall take effect July 1, 2014, the public welfare requiring it.