

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2225 - SB 2403

February 9, 2016

SUMMARY OF ORIGINAL BILL: Authorizes the Chief Medical Officer (CMO) of the Department of Health to implement a state-wide collaborative pharmacy agreement specific to opioid antagonist therapy with any pharmacist licensed and practicing in this state.

Pharmacists entering into this agreement are required to maintain documentation of having completed an opioid antagonist training program within the previous two years and to further maintain a copy of the written agreement on file at the place of practice. Any pharmacist who is a partner to this agreement may dispense an opioid antagonist to a person at risk of experiencing an opiate-related overdose or to a family member, friend, or other person in a position to assist a person at risk of experiencing an opiate-related overdose.

Provides civil immunity to any pharmacist who legally dispenses an opioid antagonist in the absence of gross negligence or willful misconduct and pursuant to any such collaborative pharmacy agreement authorizing the dispensing of opioid antagonists.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (011791): Replaces a word in subsection (b)(6) of the original bill which establishes that any pharmacist who is partner to the agreement may “dispense” rather than “prescribe” an opioid antagonist to a person at risk of experiencing an opiate-related overdose or to a family member, friend, or other person in a position to assist a person at risk of experiencing an opiate-related overdose.

Adds new subsection (b)(8) which provides a chief medical officer with immunity from disciplinary or adverse administrative actions, as well as immunity from civil liability in the absence of gross negligence or willful misconduct for acts or omission during the dispensing of an opioid antagonist by a pharmacist acting pursuant to a collaborative agreement.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

HB 2225 - SB 2403

Assumptions for the bill as amended:

- Public Chapter 832 of the Public Acts of 2014 authorized pharmacists to enter into collaborative pharmacy practice agreements with prescribers.
- Pursuant to Tenn. Code Ann. § 63-10-217, all collaborative pharmacy practice agreements must be reviewed and renewed biennially at a minimum.
- This review of any such agreement can be conducted in conjunction with the biennial renewal process of each pharmacy.
- According to the Department of Health, this legislation will have no significant impact upon the Board of Pharmacy. Any additional requirements can be accommodated by utilizing existing staff during normal work hours.
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over any two year period. The Board of Pharmacy had a deficit of \$66,136 in FY13-14, a surplus of \$284,085 in FY14-15, and a cumulative reserve balance of \$1,444,168 on June 30, 2015.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jdb