

**RULES  
OF  
THE TENNESSEE BOARD OF PHARMACY**

**CHAPTER 1140-02  
PROFESSIONAL CONDUCT AND RESPONSIBILITIES**

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**1140-02-.01 PHARMACISTS AND PHARMACY INTERNS.**

- (1) A pharmacist shall hold the health and safety of patients to be the first consideration and shall render to each patient the full measure of the pharmacist's ability as an essential health practitioner.
- (2) A pharmacist shall not knowingly condone or assist in the dispensing, promoting, or distributing of drugs or devices which are not of good quality, which do not meet standards by law, or which lack therapeutic value for the patient.
- (3) A pharmacist shall always strive to perfect and enlarge the pharmacist's professional knowledge and shall utilize and make available this knowledge as may be required in accordance with the pharmacist's best professional judgment.
- (4) A pharmacist shall observe the law, uphold the dignity and honor of the profession, and accept its ethical principles. A pharmacist shall not engage in any activity that will bring discredit to the profession, and shall expose, without fear or favor, illegal or unethical conduct in the profession.
- (5) A pharmacist shall seek at all times only fair and reasonable remuneration for the pharmacist's services. A pharmacist shall never agree to or participate in transactions with practitioners of other health professions or any other person under which fees are divided, or which may cause financial or other exploitation in connection with the rendering of the pharmacist's professional services.
- (6) A pharmacist shall respect the confidential and personal nature of professional and patient records. Except where the best interest of a patient requires or the law demands, a pharmacist shall not disclose such information to anyone without proper patient authorization.
- (7) A pharmacist shall not agree to practice under terms or conditions which tend to interfere with or impair the proper exercise of professional judgment and skill, which tend to cause a deterioration of the quality of professional service and patient care, or which require the pharmacist to consent to unethical conduct.
- (8) A pharmacist shall not make publication or circulation of any statement tending to deceive, misrepresent, or mislead anyone, nor be a party or accessory to any fraudulent or deceptive practice or transaction in pharmacy.
- (9) A pharmacist shall not enter into any agreement with anyone for the compounding of secret formula or coded medical or prescription orders.
- (10) A pharmacist shall, by utilizing education, skill, experience, and professional judgment, make every reasonable effort to prevent the abuse of drugs which the pharmacist dispenses.
- (11) A pharmacist shall provide pharmaceutical service:

(Rule 1140-02-.01, continued)

- (a) Which is as complete as the public may reasonably expect;
  - (b) Without discriminating in any manner between patients or groups of patients; and
  - (c) Without compromising the kind or extent of services or facilities made available.
- (12) A pharmacist shall recognize the Tennessee Board of Pharmacy as the governing body of the practice of pharmacy in the State of Tennessee, and report to the board any violations of pharmacy laws or rules which may come to the pharmacist's attention. The pharmacist at all times shall refrain from discussing these matters with nonmembers of the profession.
- (13) The following functions must be performed personally by a pharmacist or by a pharmacy intern under the personal supervision and in the presence of a pharmacist:
- (a) Certification of medical and prescription orders;
  - (b) Performance of final verification of the product prior to dispensing;
  - (c) Initialing of medical and prescription orders noting appropriate comments;
  - (d) Providing patient counseling;
  - (e) Providing direct patient care services;
  - (f) Providing drug information to patients, care givers, and health care providers;
  - (g) Supervision of compounding;
  - (h) Evaluation and establishment of criteria for selection of drug product(s) and supplier(s); and
  - (i) Daily opening and closing of a pharmacy practice site.
- (14) A pharmacist and pharmacy intern shall wear appropriate identification showing name and appropriate title.
- (15) A pharmacist shall immediately notify the board office in writing of a change in location of primary practice site and permanent residence.
- (16) A pharmacist shall conspicuously display the pharmacist's license and certificate of registration at the pharmacist's primary practice site, unless it is an institutional pharmacy practice site, in which case, the pharmacist's license and certificate of registration shall be maintained at the site.
- (17) A pharmacist convicted of any crime, including driving under the influence of alcohol or controlled substances, shall report such conviction to the board within ten (10) days of the conviction becoming final. For purposes of this reporting requirement, a conviction includes pretrial or judicial diversion.
- (18) A pharmacist shall not incite or induce the transfer of a prescription absent the exercise of professional judgment.
- (19) A pharmacist shall comply with lawful order(s) of the board.

(Rule 1140-02-.01, continued)

**Authority:** T.C.A. §§ 63-10-204, 63-10-304, 63-10-404(26), (27), and (29), 63-10-304(b)(1) and (c), 63-10-504(b)(1), and 63-10-504(b)(1)(C). **Administrative History:** Repeal and new rule filed May 11, 1998; effective July 25, 1998. Amendment filed December 23, 2009; effective March 23, 2010. Amendments filed November 22, 2016; effective February 20, 2017.

#### 1140-02-.02 PHARMACY TECHNICIANS.

- (1) Any person acting as a pharmacy technician shall register with the Board by submitting a complete application on a form prescribed by the Board accompanied by the following:
  - (a) An affidavit signed by both the applicant and employer attesting that the applicant has read and understands the laws and rules relative to pharmacy technicians and the practice of pharmacy in Tennessee. (A copy of this affidavit shall be retained at the applicant's place of employment);
  - (b) Registration fee established in rule 1140-01-.10; and
  - (c) The result of a criminal background check, which the applicant shall pay for and cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's registration application materials.
  - (d) Any application submitted which lacks required information or reflects a failure to meet any of the requirements for registration will be returned to the applicant with written notification of the information that is lacking or the reason(s) the application does not meet the requirements for registration and will be held in "pending" status until satisfactorily completed within a reasonable period of time, not to exceed sixty (60) days from date of written notification.
- (2) The following individuals are exempt from registration as a pharmacy technician:
  - (a) Any individual performing tasks that may be performed by a pharmacy technician who is classified by the employer as a probationary employee. The exemption shall not exceed ninety (90) days from the date of employment.
  - (b) A student enrolled in a formal pharmacy technician training program while performing experiential rotations as a part of the academic curriculum. The student shall wear a school-issued identification badge.
- (3) The pharmacist in charge at each pharmacy practice site is responsible for compliance with the provisions of this chapter by pharmacy technicians at that pharmacy practice site.
- (4) A registered pharmacy technician may, under the supervision of a pharmacist, perform those tasks associated with the preparation and dispensing process except those tasks identified in Rule 1140-02-.01(13) that must be personally performed by a pharmacist or pharmacy intern under the personal supervision and in the presence of a pharmacist.
- (5) Certified pharmacy technicians may also:
  - (a) Receive new or transferred oral medical and prescription orders;
  - (b) Receive and transfer copies of oral medical and prescription orders between pharmacy practice sites; and
  - (c) Verify the contents of unit dose carts/automated dispensing systems prepared by other registered technicians when an additional verification by use of bar code technology or a licensed health care professional is performed prior to administration to the patient.

(Rule 1140-02-.02, continued)

- (6) No prescription drugs and devices and related materials may be released to a patient without verification by a pharmacist of the functions performed by a pharmacy technician.
- (7) Pharmacy Technician to Pharmacist Ratio
  - (a) The pharmacy technician to pharmacist ratio shall not exceed 2:1; however the ratio may be increased up to a maximum of 4:1 by the pharmacist in charge based upon public safety considerations but only if the additional pharmacy technicians are certified pharmacy technicians. However, the pharmacist in charge may request a modification of the ratio from the Board in writing which addresses:
    1. The pharmacy technician's experience, skill, knowledge and training; and
    2. The workload at the practice site; and
    3. Detailed information regarding the numbers of pharmacy technicians and the specific duties and responsibilities of each of the pharmacy technicians; and
    4. Justification that patient safety and quality of pharmacy services and care can be maintained at the pharmacy.
  - (b) Requested modifications of the established ratios may not be implemented until the written request is considered and approved by the Board.
- (8) Pharmacy technicians must wear appropriate identification showing name and appropriate title (e.g. pharmacy technician, certified pharmacy technician).
- (9) All pharmacy technician functions shall be performed under the supervision of a pharmacist, who shall direct and verify the accuracy of all pharmacy technician functions.
- (10) A registered technician shall maintain his or her registration certificate at the pharmacy practice site; additionally, all certified technicians shall display in like manner evidence of certification. Pharmacy technicians shall possess at all times, while on duty, proof of registration and proof of certification, if applicable.
- (11) All registered technicians shall immediately notify the board in writing of any change of address or employer.
- (12) For purposes of this rule, a pharmacy intern is not considered to be a pharmacy technician.
- (13) Upon request, the Board may waive selected portions of these requirements so long as any waiver granted is consistent with the Board's authority under Tenn. Code Ann. Title 63, Chapters 1 and 10, and Tenn. Code Ann. Title 4, Chapter 5.

**Authority:** T.C.A. §§ 63-1-116, 63-10-204, 63-10-304, 63-10-304(b)(1), (e), and (j), 63-10-306, 63-10-308, 63-10-404(30), 63-10-504(b)(1), 63-10-504(b)(1)(C), 63-10-506, and 63-10-508. **Administrative History:** Repeal and new rule filed May 11, 1998; effective July 25, 1998. Amendment filed August 19, 2002; effective November 2, 2002. Amendment filed December 23, 2009; effective March 23, 2010. Amendment filed January 4, 2012; effective April 3, 2012. Amendments filed November 22, 2016; effective February 20, 2017.