

Rulemaking Hearing Rules of the
Board of Pharmacy

Chapter 1140-1
Introductory Rules

Amendments

Rule 1140-1-.01 Definitions is amended by adding the following language as new paragraph (6) and renumbering the subsequent paragraphs accordingly:

- (6) "Centralized Prescription Processing" is the filling or refilling of a lawful prescription order written by the patient's authorized prescriber by one (1) pharmacy licensed by the State of Tennessee at the request of another pharmacy licensed by the State of Tennessee for the delivery of the prescription drugs to the patient or patient's agent.

Authority: Chapter 966 of the Public Acts of 2008, §1, and T.C.A. §63-10-304.

Rule 1140-1-.05 Licensing Examinations is amended by deleting the text of the rule in its entirety and substituting instead the following language, so that, as amended, the rule shall read:

1140-1-.05 Licensing Examinations.

- (1) An applicant for an initial license to engage in the practice of pharmacy in the State of Tennessee shall take the National Association of Boards of Pharmacy (NABP) Multistate Pharmacy Jurisprudence Examination (MPJE®) and the NABP North American Pharmacy Licensing Examination (NAPLEX®), which shall be administered on the dates scheduled by the NABP. An applicant shall also meet the minimum acceptable passing scores on the NAPLEX® and MPJE® as established and nationally accepted.
- (2) An applicant to obtain a pharmacy license by reciprocity shall successfully complete the MPJE®.
- (3) In addition to completing the requirements in paragraph (1) of this rule, a pharmacy foreign graduate shall successfully complete the foreign pharmacy equivalency examination, the Test of Spoken English (TSE®) examination and any other requirements established by the NABP.
- (4) Any applicant who fails either the NAPLEX® or MPJE® may retake the examinations at any of the next examination dates scheduled by the NABP. If an applicant fails the NAPLEX® or MPJE® three (3) consecutive times, then the Board may require that applicant to take review courses prior to any following reexamination.

Authority: T.C.A. §§63-10-304 and 63-10-306.

Rule 1140-1-.14(4) Prescription Drugs Dispensed by Health Departments is amended by adding the following language as a new subparagraph (n) immediately following subparagraph (m):

- (n) Medroxyprogesterone Acetate Injectable (Depo Provera®)

Authority: T.C.A. §§63-10-205 and 63-10-304.

Chapter 1140-3
Standards of Practice

Amendments

Rule 1140-3-.15 Reference Books is amended by deleting the text of the rule in its entirety and substituting instead the following language, so that, as amended, the rule shall read:

Rule 1140-3-.15 Reference Books.

Each pharmacy practice site shall maintain an adequate reference library (printed or electronic) consistent with its scope of practice. The reference library shall include a current edition of the Tennessee Pharmacy Laws issued by the Tennessee Board of Pharmacy and may include current material regarding the technical, clinical, and professional components of the practice of pharmacy, with particular emphasis in the area in which the pharmacy specializes.

Authority: T.C.A. §63-10-304.

Chapter 1140-3
Standards of Practice

New Rule

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1140-3-.16 Automated Dispensing Devices for Pharmacy Practice

1140-3-.16 Automated Dispensing Devices for Pharmacy Practice.

Centralized Prescription Processing:

- (1) A pharmacy may perform or outsource centralized prescription processing services to another pharmacy, provided that the following criteria are satisfied:
 - (a) both pharmacies shall be licensed by the State of Tennessee;
 - (b) both pharmacies shall share a common electronic file or both shall have the appropriate technology to allow each other access to information that is necessary to fill or refill a prescription order; and
 - (c) both pharmacies shall have the same owner or in the event that the pharmacies do not have the same owner, then the pharmacies shall enter a written contract stating the services that will be provided by each pharmacy as well as the responsibilities of each pharmacy in fulfilling the terms of the contract and in complying with federal and state laws and rules.
- (2) The pharmacy performing or contracting for centralized prescription processing services shall maintain a policy and procedures manual stating how prescription orders will be filled or refilled through centralized prescription processing. The pharmacies shall provide the Board with a copy of the manual and appropriate documentation of the processes for the Board's review, upon the Board's request.

The pharmacies shall ensure that the manual includes, but is not limited to the following:

- (a) a description of how the pharmacies will comply with federal and state law and rules;
- (b) the maintenance of records to identify the responsible pharmacist(s) in the dispensing process;
- (c) the maintenance of a mechanism for tracking the prescription order during each step of the dispensing process:
 - 1. the maintenance of a mechanism to identify all of the pharmacies involved in dispensing the prescription order on the prescription label;
 - 2. adequate security measures to protect the confidentiality and integrity of the patient information; and
 - 3. the maintenance of a quality assurance program for pharmacy services designed to objectively and systematically monitor and evaluate the quality of patient care, the identification of problems with patient care and the resolution of any identified problems with patient care.
- (d) The pharmacies that are not physically located in the State of Tennessee shall comply with Tenn. Code Ann Title 63, Chapter 10 and the rules of the State of Tennessee Board of Pharmacy.

Authority: Chapter 966 of the Public Acts of 2008, §1, and T.C.A. §63-10-304.

Chapter 1140-5

Continuing Education

Amendments

Paragraph (1) of rule 1140-5-.01 Requirements for Pharmacist License Renewal is amended by deleting the text of the paragraph in its entirety and substituting instead the following language, so that, as amended, the paragraph shall read:

- (1) Every person licensed as a pharmacist shall complete at least thirty (30) hours of continuing pharmaceutical education during each two (2) year license cycle. The required thirty (30) hours shall consist of at least fifteen (15) hours obtained through live contract programs. In order to fulfill the fifteen (15) live contact hour requirement, a pharmacist shall obtain the hours from a program designated as "live" by the ACPE-approved provider, from a program that is approved by the Board prior to the expiration of the pharmacist's license or from an out-of-state program that is approved by the board of pharmacy in the state where the program was presented.

Authority: T.C.A. §§63-10-204, 63-10-304, and 63-10-306.

Chapter 1140-6
Nuclear Pharmacy Practice Sites

Amendments

Rule 1140-6-.03 Library is amended by deleting the text of the rule in its entirety and substituting instead the following language, so that, as amended, the rule shall read:

1140-6-.03 Library.

Each nuclear pharmacy practice site shall maintain an adequate reference library (printed or electronic) consistent with its scope of practice. The reference library shall include a current edition of the Tennessee Pharmacy Laws issued by the Tennessee Board of Pharmacy and may include current material regarding the technical, clinical, and professional components of the practice of pharmacy, with particular emphasis in the area in which the pharmacy specializes.

Authority: T.C.A. §63-10-304.

The rulemaking hearing rules set out herein were properly filed in the Secretary of State on the 24th day of November, 2008 and will become effective on the 7th day of February, 2009. (FS 11-38-08; DBID 3717-3720)