

**MINUTES  
RULEMAKING HEARING  
TENNESSEE BOARD OF DENTISTRY**

**Date:** July 31, 2009

**Location:** Tennessee Department of Health  
227 French Landing, Iris Room  
Heritage Place Metro Center  
Nashville TN 37243

**Members Present:** Ruth E. Bailey, D.D.S., Vice President  
Beth A. Casey, R.D.H.  
Katherine H. Cherry, R.D.H.  
Isaac Fordjour, D.D.S.  
Betty Gail Fox, R.D.A.  
James L. Smith, D.D.S.  
Agnes S. Young, Consumer Member

**Staff Present:** Dea Smith, Executive Director  
Alison Cleaves, Chief Deputy General Counsel  
Shiva Bozarth, Deputy General Counsel

Dr. Bailey determined that a quorum was present in order to conduct a rulemaking hearing. The meeting was called to order at 1:06 p.m. before the Tennessee Board of Dentistry to consider the promulgation of amendments to rules pursuant to Public Chapter 1035 of the Public Acts of 2008. Dr. Bailey read the proposed rules to the Board and Ms Cleaves provided the Board with a summary of the proposed rules.

No written and/or oral comments were received from the public. Ms Cleaves advised the Board that the Board of Medical Examiners has made two changes at their rulemaking hearing based on comments they had received. The Board amended the proposed rules to read as follows:

0460-02-.14 Tamper-Resistant Prescriptions.

(1) Purpose.

This rule is designed to implement the law requiring that licensed dentists have all written, typed, or computer-generated prescriptions issued on tamper-resistant prescription paper.

(2) Definitions.

The following definitions are applicable to this rule:

- (a) "Drug" shall have the same meaning as set forth in T.CA §63-10-204(16).
- (b) "Prescriber" means an individual licensed in Tennessee as a medical doctor, podiatrist, advanced practice nurse with a certificate of fitness to prescribe, dentist, optometrist, osteopathic physician, or physician's assistant.
- (c) "Prescription order" shall have the same meaning as set forth in T.CA §63-10204(34).
- (d) "Tamper-resistant prescription" means a written prescription order with features that are designed to prevent unauthorized copying, erasure, modification, and use of counterfeit prescription forms.

- (3) Tamper-Resistant Prescription Requirements.
  - (a) A prescriber shall ensure that all handwritten, typed, or computer-generated prescription orders are issued on tamper-resistant prescriptions. Tamper-resistant prescriptions shall contain the following features:
    - 1 Either a void or illegal pantograph or a watermark designed to prevent copying;
    - 2 Either quantity check-off boxes with refill indicators or a uniform, nonwhite background color designed to prevent erasure or modification; and
    - 3 Security features and descriptions listed on the prescriptions designed to prevent use of counterfeit forms.
- (4) Security Measures and Recordkeeping.
  - (a) Each prescriber shall undertake adequate safeguards and security measures to ensure against loss, improper destruction, theft, or unauthorized use of the tamper-resistant prescriptions in the prescriber's possession.
- (5) Use of Tamper-Resistant Prescriptions.
  - (a) Facsimile Prescription Transmission.
    - 1 Prescriptions sent by facsimile transmission are not required to be placed on tamper-resistant prescription paper.
    - 2 If a prescriber transmits a prescription order to a pharmacy by facsimile transmission, the prescriber or someone designated by the prescriber shall document in the patient's medical record the name of the drug, strength, quantity prescribed.
  - (b) Electronic Prescription Transmission.
    - 1 Prescriptions sent by electronic transmission are not required to be placed on tamper-resistant prescription paper.
    - 2 If a prescriber transmits a prescription order to a pharmacy by electronic transmission and in accordance with the applicable laws and rules for each of the prescribers' respective professions as well as applicable federal laws and rules.

Authority: Chapter 1035 of the Public Acts of 2008 and T.C.A. §§53-10-401, 63-5-105, and 63-5-122. [Effective October 1, 2008 for TennCare prescriptions and July 1, 2009 for non-TennCare prescriptions.]

Ms. Fox made a motion to approve the proposed rules as amended above. Second was given by Ms. Cherry. The motion carried by role call vote.

The Rulemaking Hearing adjourned at 1:30 p.m.

**These minutes were ratified by the Board of Dentistry at the September 11, 2009, meeting.**