

**TENNESSEE BOARD OF PHARMACY
TELECONFERENCE
FRIDAY, OCTOBER 10, 2008
OFFICE OF GENERAL COUNSEL
PLAZA 1 – SUITE 210
220 ATHENS WAY
NASHVILLE, TENNESSEE**

The Tennessee Board of Pharmacy conducted a teleconference meeting on Friday, October 10, 2008, at 9:10 a.m. CST in the Office of General Counsel, Plaza 1 – Suite 210, 220 Athens Way, Nashville, Tennessee, to discuss the interpretation of the Telepharmacy public necessity rules and the interpretation of electronic signatures.

The following individuals announced participation in the meeting.

Dr. Todd Bess, President, Cane Ridge, Tennessee
Dr. Bettie Wilson, Vice President, Johnson City,
Tennessee
Dr. Larry Hill, Rockwood, Tennessee
Mrs. Monica Franklin, Nashville, Tennessee
Dr. Robert Mitchell, Crossville, Tennessee
Dr. Brenda Warren, Memphis, Tennessee
Dr. Charles Stephens, Lebanon, Tennessee

Personally appearing for the meeting:

Dr. Kevin Eidson, Executive Director
Mrs. Alison Cleaves, Chief Legal Counsel
Mrs. Martha Agee, Board Administrator
Ms. Donna Swanson
Dr. Terry W. Grinder
Dr. Terry Cannada
Dr. Baeteena Black, Executive Director, Tennessee
Pharmacist Association
Mr. Bob Beckley, Senior Vice President, Surescript

After a quorum of the members being established, President, Dr. Todd Bess called the teleconference meeting to order at 8:10 a.m. CST.

Mrs. Alison Cleaves, chief legal counsel, informed the members that pursuant to T.C.A. §8-44-108 (b) (2). Participation by electronic or other means - If a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a

necessity exists.

Mrs. Cleaves advised due to the length of time necessary to complete the rulemaking process, the public necessity rules are required in order for the Board to begin implementation of this program so that the pilot program can provide the health committees of the General Assembly with a report by February 1, 2010; and then, in turn, the Board can determine the success of the pilot program and whether the program should be expanded.

Dr. Bettie Wilson motioned to **accept** the Necessity statement; seconded by Mrs. Monica Franklin. A roll call vote was taken.

BOARD MEMBER	VOTE
Dr. Todd Bess	Yes
Dr. Bettie Wilson	Yes
Mrs. Monica Franklin	Yes
Dr. Larry Hill	Yes
Dr. Charles Stephens	Yes
Dr. Robert Mitchell	Yes
Dr. Brenda Warren	Yes

All were in favor and the motion carried.

Dr. Todd Bess, President, turned the meeting over to Dr. Kevin Eidson, Executive Director. Dr. Eidson stated he had received correspondence from Dr. Ken Whittemore who is requesting an interpretation of Rule 1140-3-.04 (2) relevant to E-prescribing. Dr. Eidson noted an “Electronic Signature” is defined as the process that secures the user authentication (proof of claimed identify, such as by biometrics, fingerprints, retinal scans, hand written signature verification, etc.) at the time the signature is generated and creates the logical manifestation of a signature. A policy was adopted by the Board on July 22 - 23, 2003 regarding electronically generated signatures.

Surescripts is requesting an interpretation of what constitutes a “signature” and could the signature contain numbers as an identifier. Mr. Bob Beckley, Senior Vice President of Surescripts, described the electronic prescribing network operations to the Board. Mr. Beckley stated a licensed physician must select an electronic prescribing application that has been registered as a SureScripts-Rx Hub Certified Solution™ to connect to the Pharmacy Health Information Exchange. All electronic prescribing solutions are thoroughly tested by SureScripts-Rx Hub and must complete the testing and certification process before being allowed access to the network. The certification process ensures that electronic prescribing solution providers are able to send and receive supported electronic messages and that the solution is providing open choice for medication selection and dispensing location.

Surescripts-Rx Hub Certified Solution Providers®™ must register all licensed prescribers within the SureScripts-Rx Hub prescriber directory before an individual is allowed to access the network. The registration process requires the prescriber name, address, telephone number, DEA number, state license number and other appropriate information, which is verified by the SureScripts-Rx Hub Certified Solution Provider. Each prescriber is then assigned a unique SureScripts-Rx Hub Prescriber ID (SPI) and all electronic prescriptions associated with a specific prescriber or authorized agent are logged.

The electronic prescription message created by the prescriber's electronic prescribing system is routed to the Pharmacy Health Information Exchange for deliver to the pharmacy chosen by the patient. This electronic prescription message may be routed immediately to the pharmacy or stored in an "electronic mailbox" waiting for the pharmacy to check its contents.

Once the community pharmacy's system receives the electronic prescription message from SureScripts-Rx Hub, the following process is taken:

1. The prescription information is displayed on the pharmacy's computer terminal and the pharmacist or certified pharmacy technician reviews and validates the information.
2. If the system is designed to pre-populate fields in the dispensing screen, this information is displayed for the pharmacist to approve or modify (patient name and demographics, medication, quantity, prescriber name, etc.).
3. After all of the data has been entered and reviewed, the normal prescription process runs its course (pricing, DUR, transmission to the PBM, adjudication, label print) and the prescription is packaged and readied for dispensing.
4. If the pharmacist identified any problems, the prescriber can be contacted electronically with a Change RX / Clarification Message transmitted back using the Pharmacy Health Information Exchange or via telephone.
5. In the event that a pharmacy is unable to receive prescriptions electronically from SureScripts-Rx Hub, SureScripts-Rx Hub will send new prescriptions to that pharmacy via fax until that pharmacy's software company provides it with the necessary functionality.

Dr. Bettie Wilson noted all other secured methods are valid and would be acceptable. Dr. Brenda Warren motioned to possible construe other secured methods of e-prescribing under the rule; seconded by Dr. Bettie Wilson. Mrs. Monica Franklin made a friendly amendment to the motion, does not apply to controlled substances; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

Mrs. Alison Cleaves, chief legal counsel, advised the Board that SureScripts has no controlled substances and it is a pilot program.

TELEPHARMACY

The Board reviewed and discussed changes for the public necessity rules for telepharmacy.

Dr. Brenda Warren is requesting the pharmacist to appear to discuss the Evaluation:

1. Does the physical absence of a pharmacist make a difference in term of patient safety as to the number of questions posed by the patient to the pharmacist?
2. Checks and balances in the verification process.
3. Does the extra level of experience make a difference in certified versus registered technicians?
4. Front end making - evaluation of the things relevant to the process.
5. The pharmacist in charge at the central pharmacy.

Dr. Todd Bess is requesting a satisfaction survey comparison of a FQHC pharmacy vs. satellite clinic.

1. The number of patients going to a satellite vs. going to a FQHC pharmacy?
2. How many prescription errors were counted?
3. The number of patient seen at the satellite clinic.

Dr. Brenda Warren motioned to **approve** the listing of questions for the evaluation of the telepharmacy program; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

Mrs. Monica Franklin motioned to **accept** the Public Necessity Rules seconded

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by Dr. Larry Hill. A roll call vote was taken.

BOARD MEMBER	VOTE
Dr. Todd Bess	Yes
Dr. Bettie Wilson	Yes
Mrs. Monica Franklin	Yes
Dr. Larry Hill	Yes
Dr. Charles Stephens	Yes
Dr. Robert Mitchell	Yes
Dr. Brenda Warren	Yes

All were in favor and the motion carried.

EXECUTIVE ORDER NUMBER 38

Mrs. Alison Cleaves, chief legal counsel, advised the members on May 22, 2006, the Governor signed Executive Order Number 38, which requires state agencies to assess the impact of new regulations on small businesses prior to initiating a rulemaking process. Based upon the review of all the rules and laws from chief legal counsel, Mrs. Alison Cleaves, that assessment has been made. Mrs. Monica Franklin motioned to accept; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

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ADJOURNED

Dr. Larry Hill motioned to adjourn the teleconference on Friday, October 10, 2008 at 9:17 a.m. CST; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

The Board of Pharmacy approved the October 10, 2008 minutes at the November 3 -4, 2008 board meeting.