

**RULES
OF
THE TENNESSEE DEPARTMENT OF HEALTH**

**CHAPTER 1200-10-04
WAIVER FROM ELECTRONIC PRESCRIPTION MANDATE**

TABLE OF CONTENTS

| | | | |
|----------------|--|----------------|--|
| 1200-10-04-.01 | Petition for Waiver | 1200-10-04-.05 | Prescriptions to be Dispensed Out-of-State |
| 1200-10-04-.02 | Petition for Waiver Information | | |
| 1200-10-04-.03 | Duration of Waiver or Renewal of a Waiver | | |
| 1200-10-04-.04 | Circumstances Where Electronic Prescribing is Not Available due to Temporary Technological or Electrical Failure | | |

1200-10-04-.01 PETITION FOR WAIVER.

- (1) A health care prescriber who is unable to comply with the electronic prescription requirement for any controlled-substance prescription(s) listed in Schedule II, III, IV or V, as indicated in T.C.A. § 63-1-160, may petition the commissioner or the commissioner's designee of the Tennessee Department of Health, on a form provided on the Tennessee Department of Health website, found at https://tennessee.na1.echosign.com/public/esignWidget?wid=CBFCIBAA3AAABLbqZhCupja dFM1Fh2AmAc-RFIR2N2LS-yKQ5TJclx80T5K5BzcXigkPNmPxDhKRkFCbTeQ*, for a waiver from the requirement based upon economic hardship, technological limitations that are not reasonably within the control of the health care prescriber or other exceptional circumstance demonstrated by the health care prescriber. A timely petition for renewal of a previously approved waiver shall be submitted at least 60 days in advance of the expiration of the previously approved waiver.
- (2) Any health care practice may petition for a waiver for any associated health care prescriber at the practice site.
- (3) This chapter does not apply to prescriptions made exempt pursuant to T.C.A. § 63-1-160(d).

Authority: T.C.A. §§ 63-1-160 and 68-1-103. **Administrative History:** New rules filed July 8, 2021; effective October 6, 2021.

1200-10-04-.02 PETITION FOR WAIVER INFORMATION. A petition for waiver from the electronic prescription requirement for controlled-substance prescriptions listed in Schedule II, III, IV or V, as indicated in T.C.A. § 63-1-160, shall include, but not be limited to, all of the following:

- (1) The name, practice address, and license number of the health care prescriber.
- (2) The reason(s) the health care prescriber is seeking a waiver. Reasons include economic hardship, technological limitations that are not reasonably within the control of the health care prescriber or other exceptional circumstance demonstrated by the health care prescriber.

Authority: T.C.A. §§ 63-1-160 and 68-1-103. **Administrative History:** New rules filed July 8, 2021; effective October 6, 2021.

1200-10-04-.03 DURATION OF WAIVER OR RENEWAL OF A WAIVER. A waiver or renewal of a waiver issued by the commissioner or the commissioner's designee of the Tennessee Department of Health shall not exceed one year from the date of issuance.

(Rule 1200-10-04-.03, continued)

Authority: T.C.A. §§ 63-1-160 and 68-1-103. **Administrative History:** New rules filed July 8, 2021; effective October 6, 2021.

1200-10-04-.04 CIRCUMSTANCES WHERE ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE. An otherwise valid oral, written, or fax prescription, issued when electronic prescribing is not available due to temporary technological or electrical failure, shall be exempt from the electronic prescription requirement so long as the prescription(s) is issued in compliance with all other federal and state laws and regulations regarding prescriptions, provided that a prescription issued pursuant to this paragraph shall indicate on the prescription that the health care prescriber is experiencing a temporary technological or electrical failure.

Authority: T.C.A. §§ 63-1-160 and 68-1-103. **Administrative History:** New rules filed July 8, 2021; effective October 6, 2021.

1200-10-04-.05 PRESCRIPTIONS TO BE DISPENSED OUT-OF-STATE. Any prescription issued to a patient which is to be dispensed outside this State shall be issued in accordance with the dispensing state's laws regarding electronic prescriptions, if any.

Authority: T.C.A. §§ 63-1-160 and 68-1-103. **Administrative History:** New rules filed July 8, 2021; effective October 6, 2021.