

**POSITION STATEMENT
TENNESSEE BOARD OF MEDICAL EXAMINERS**

**PREREQUISITES TO PRESCRIBING OR DISPENSING DRUGS -
IN PERSON, ELECTRONICALLY OR OVER THE INTERNET**

Tennessee Code Annotated, Sections 63-6-214 (b) (1), (4), and (12) enumerate grounds upon which the Tennessee Board of Medical Examiners may take licensure disciplinary action against a licensee and provide as follows:

(b) (1) Unprofessional, dishonorable or unethical conduct;

(4) Gross malpractice, or a pattern of continued or repeated malpractice, ignorance negligence or incompetence in the course of medical practice;

(12)Dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable or justified for a diagnosed condition;

The Board of Medical Examiners hereby states its position on the interpretation of those laws in regards to the issuance of prescriptions or dispensing of drugs to be as follows:

- (1) Except as provided in paragraph (2), it shall be a prima facie violation of T.C.A. 63-6-214 (b) (1), (4), and (12) for a physician to prescribe or dispense any drug to any individual, whether in person or by electronic means or over the Internet or over telephone lines, unless the physician has first done and appropriately documented, for the person to whom a prescription is to be issued or drugs dispensed, all of the following:
 - (a) Performed an appropriate history and physical examination; and
 - (b) Made a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good medical care; and
 - (c) Formulated a therapeutic plan, and discussed it, along with the basis for it and the risks and benefits of various treatments options, a part of which might be the prescription or dispensing drug, with the patient; and
 - (d) Insured availability of the physician or coverage for the patient for appropriate follow-up care.

- (2) A physician may prescribe or dispense drugs for a person not in compliance with subparagraph (a) in circumstances including, but not limited to, the following:
 - (a) In admission orders for a newly hospitalized patient; and
 - (b) For a patient of another physician for whom the prescriber is taking calls; and

BME Prescription & Dispensing Position Statement

September 12, 2000

Page 2

- (c) For continuation medications on a short-term basis for a new patient prior to the patient's first appointment; and
 - (d) For established patients who, based on sound medical practices, the physician feels does not require a new physical examination before issuing new prescriptions.
- (3) It shall be a prima facie violation of T.C.A. 63-6-214 (b) (1), (4), and (12) for physician to prescribe or dispense any drug to any individual the physician has never met based solely on answers to a set of questions regardless of whether the prescription is issued directly to the person or electronically over the Internet or telephone lines.

Adopted by the Board of Medical Examiners on this the 13th day of September 2000.

**Daniel L. Starnes, M.D., J.D., President
Tennessee Board of Medical Examiners**

DS/MA/G3010259/BME