### STANDING ORDERS: Health Professionals & Immunization Practice
#### TENNESSEE

<table>
<thead>
<tr>
<th>Health Professional</th>
<th>Assessment</th>
<th>Prescription</th>
<th>Administration</th>
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<tbody>
<tr>
<td></td>
<td>Own Authority</td>
<td>Delegated Authority</td>
<td>Prohibited</td>
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<td>Medical Assistant</td>
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<td>Midwife</td>
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<td>Advanced Practice</td>
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<td>See Clinical Nurse Spec., Midwife, and Nurse Practitioner</td>
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<td>NURSES</td>
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<td>Clinical Nurse Spec.</td>
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<td>Nurse Practitioner</td>
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### NOTES:

1. **Immunization Practice**: Includes the assessment of patient status, the prescription of appropriate vaccines, and the administration of vaccines

2. **Delegated Authority**: May include the following terms: standing orders, protocol, collaborative agreement, direct or indirect supervision, at the direction of another provider, as ordered by another provider, or as prescribed by another provider

3. **Legal Interpretation—Nurses**: Registered Nurses retain all authority granted to Practical Nurses and Vocational Nurses. Nurses engaging in advanced practice (Advanced Practice, Clinical Nurse Spec., and Nurse Practitioner) retain all authority granted to Registered Nurses, Practical Nurses, and Vocational Nurses.

4. **Legal Interpretation—Midwives**: Because midwives are not nurses in all states, they are identified as a separate professional category. When midwives are nurses, the following interpretations apply: Midwives who are identified as Registered Nurses retain all authority granted to Practical Nurses and Vocational Nurses. Midwives who engage in advanced practice retain all authority granted to Registered Nurses, Practical Nurses, and Vocational Nurses.

5. **Gray box**: Provider practices within the state, however the state has no relevant law addressing this element

### MIDWIFE

(a) “Advanced practice nurse” means a registered nurse with . . . national specialty certification as a . . . nurse midwife. . . .

*Tenn. Code § 63-7-126 (2012)* Advanced practice nurses

(a) . . . The [midwife] shall form a collaborative care plan with a physician for all clients. . . .


. . . 1. Is there any explicit statutory authority for a . . . nurse midwife . . . to prescribe prescription medications?

2. Does Tennessee Code Annotated § 63-7-126 give prescribing privileges to all categories of advanced practice nurse?

3. Does Tenn. Code Ann. § 63-7-123, which allows qualified nurses in the category of advanced practice nurse known as “nurse practitioner” to be issued a certificate of fitness to prescribe, also authorize the Board of Nursing to issue a certificate of fitness to prescribe to the other three categories of advanced practice nurse?
OPINION

Based upon the above examination of legal authority, we conclude that, since 1980, there has existed statutory authority for issuance of a certificate of fitness to prescribe to a ... nurse midwife ... so long as that individual has met all of the qualifications prescribed by the Board of Nursing for issuance of such certificate. ... 2010 WL 760524 Off. of the Atty. Gen. State of Tenn., Opinion No. 10-22 (2012) Rules Implementing the Tamper-Resistant Prescription Act


NURSES
Clinical Nurse Spec.
(a) “Advanced practice nurse” means a registered nurse with ... national specialty certification as a ... clinical nurse specialist. ... Tenn. Code § 63-7-126 (2012) Advanced practice nurses


Prerequisites to Prescribing or Dispensing Medications

1. Is there any explicit statutory authority for a ... clinical nurse specialist to prescribe prescription medications?

2. Does Tennessee Code Annotated § 63-7-126 give prescribing privileges to all categories of advanced practice nurse?

3. Does Tenn. Code Ann. § 63-7-123, which allows qualified nurses in the category of advanced practice nurse known as “nurse practitioner” to be issued a certificate of fitness to prescribe, also authorize the Board of Nursing to issue a certificate of fitness to prescribe to the other three categories of advanced practice nurse?

OPINION

Based upon the above examination of legal authority, we conclude that, since 1980, there has existed statutory authority for issuance of a certificate of fitness to prescribe to a[... clinical nurse specialist ... so long as that individual has met all of the qualifications prescribed by the Board of Nursing for issuance of such certificate. ... 2010 WL 760524 Off. of the Atty. Gen. State of Tenn., Opinion No. 10-22 (2012) Rules Implementing the Tamper-Resistant Prescription Act

Nurse Practitioner
(a) “Advanced practice nurse” means a registered nurse with ... national specialty certification as a nurse practitioner. ... Tenn. Code § 63-7-126 (2012) Advanced practice nurses


Tenn. Code § 63-7-123 (2012) Nurse practitioners, certificate of fitness; notice for prescriptive services; copy of protocol
It is the intent of these rules to maximize the collaborative practice of certified nurse practitioners and supervising physicians in a manner consistent with quality health care delivery. (2) Supervision does not require the continuous and constant presence of the supervising physician; however, the supervising physician must be available for consultation at all times or shall make arrangements for a substitute physician to be available. (5) Protocols are required and: (e) Shall account for all protocol drugs by appropriate forimulary.

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Tenn. Rules and Regs. 0880-6-.02 (2012) Clinical Supervision Requirements

(1) . . . [I]t shall be a prima facie violation . . . for an Advanced Practice Nurse, having proper authority to prescribe, 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 Advanced Practice Nurse with proper authority to prescribe or the A.P.N's licensed supervisee and pursuant to appropriate protocols or orders, has completed 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 health care.

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Tenn. Rules and Regs. 1000-04-.09 (2012) Prerequisites to Prescribing or Dispensing Medications

. . . 1. Is there any explicit statutory authority for a nurse anesthetist, nurse midwife, or clinical nurse specialist to prescribe prescription medications?

2. Does Tennessee Code Annotated § 63-7-126 give prescribing privileges to all categories of advanced practice nurse?

3. Does Tenn. Code Ann. § 63-7-123, which allows qualified nurses in the category of advanced practice nurse known as “nurse practitioner” to be issued a certificate of fitness to prescribe, also authorize the Board of Nursing to issue a certificate of fitness to prescribe to the other three categories of advanced practice nurse?

OPINION 1-3. . . . Based upon the above examination of legal authority, we conclude that, since 1980, there has existed statutory authority for issuance of a certificate of fitness to prescribe . . . to an advanced practice nurse practitioner, so long as that individual has met all of the qualifications prescribed by the Board of Nursing for issuance of such certificate.

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Rules Implementing the Tamper-Resistant Prescription Act

Practical Nurse

The “practice of practical nursing” means the performance for compensation of selected acts required in the nursing care of the ill, injured or infirm and/or carrying out medical orders prescribed by a licensed physician or dentist under the direction of a licensed physician, dentist or professional registered nurse.

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. . . Kathi Zechman, a licensed practical nurse, testified that she gave the victim two rounds of immunizations during two visits to the Knox County Health Department. On May 8, 2002, she administered a hepatitis B shot in the victim's thigh, and on July 10, 2002, she gave the child two shots in his left leg and two shots in the right leg.

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Registered Nurse

. . . (2) “Professional nursing” includes: (A) Responsible supervision of a patient requiring skill and observation of symptoms and reactions and accurate recording of the facts; (B) Promotion, restoration and maintenance of health or prevention of illness of others . . . (D) Administration of medications and treatments as prescribed by a licensed physician, dentist, podiatrist or nurse authorized to prescribe.

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Tenn. Code § 63-7-103 (2012) Professional nursing
. . . (1) . . . (a) Standards Related to the Registered Nurse's Responsibility to Implement the Nursing Process - The Registered Nurse shall: 1. Conduct and document nursing assessments of individuals and groups. . . . 2. Establish critical paths and teaching plans based on individual patient's plans of care after prioritizing need upon completion of a comprehensive assessment. 3. Develop the plan of care/action based on a comprehensive assessment, desired outcomes, and current knowledge. . . . 


**PHARMACIST**

. . . (35)(A) “Practice of pharmacy” . . . involves . . . (iii) Participation in drug . . . selection, storage, distribution and administration. . . . 


**PHYSICIAN ASSISTANT**

(a) A physician assistant is authorized to perform selected medical services only under the supervision of a licensed physician. . . .

(2) The range of services that may be provided by a physician assistant shall be set forth in a written protocol, jointly developed by the supervising physician and the physician assistant. . . .

(b) A physician assistant shall function only under the control and responsibility of a licensed physician. The supervising physician has complete and absolute authority over any action of the physician assistant. . . . 


. . . (5) "Physician assistant" means an individual who renders services, whether diagnostic or therapeutic, that are acts constituting the practice of medicine or osteopathic medicine and . . . could only be performed by a licensed physician. 


. . . (5) Protocols are required. . . . (13) The supervising physician may delegate to a physician assistant working under the physician's supervision the authority to issue prescriptions or medication orders for legend drugs . . . in accordance with written protocols which are mutually developed and agreed upon by the physician assistant and the supervising physician. . . . 


. . . (2)(A) . . . [A] supervising physician may delegate to a physician assistant working under the physician's supervision the authority to prescribe and/or issue legend drugs. . . . 

## STANDING ORDERS: Health Professionals & Immunization Practice
### PRACTICE SETTINGS
#### TENNESSEE

<table>
<thead>
<tr>
<th>Health Professional</th>
<th>Practice Setting</th>
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<tbody>
<tr>
<td>Medical Assistant</td>
<td>Reviewed immunization practice laws did not address practice settings</td>
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<tr>
<td>Advanced Practice Nurse</td>
<td>See Clinical Nurse Specialist, Midwife, and Nurse Practitioner</td>
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<td>Clinical Nurse Specialist</td>
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<tr>
<td>Midwife</td>
<td>Reviewed immunization practice laws did not address practice settings</td>
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<tr>
<td>Nurse Practitioner</td>
<td>Hospital; nursing home; assisted care living facility; department of health; local health department; mental health hospital; residential facility; correctional facility</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>Reviewed immunization practice laws did not address practice settings</td>
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<td>Pharmacist</td>
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</tr>
<tr>
<td>Physician Assistant</td>
<td>Hospital emergency room; hospital; nursing home; assisted care living facility; mental health hospital; residential facility; correctional facility</td>
</tr>
</tbody>
</table>

### NURSES

#### Nurse Practitioner

(b) . . . (3) . . . (B) . . . The prescribing nurse practitioner [may operate in]: (i) . . . a hospital, a nursing home or an assisted care living facility . . . or (ii) . . . health or local health departments. . . . (E) . . . (ii) . . . a mental health hospital or residential facility [or] a local, state or federal correctional facility . . .

Tenn. Code § 63-7-123 (2012) Nurse practitioners, certificate of fitness; notice for prescriptive services; copy of protocol

### PHYSICIAN ASSISTANT

. . . . (10) If more than one physician supervises a physician assistant in a practice setting (such as in a hospital emergency room), one protocol may be developed for that practice setting. . . .


. . . (2) . . . (E) . . . (ii) . . . [A physician assistant may operate] in a hospital, a nursing home or an assisted care living facility. . . . (v) . . . [or] (b) . . . a mental health hospital or residential facility [or] a local, state or federal correctional facility. . . .


Source: GWU/SPHHS STANDING ORDERS: Health Professionals & Immunization Practice—Summer 2013

Tenn. Rules and Regs. 1000-04-.09 (2012)Prerequisites to Prescribing or Dispensing Medications


Tenn. Code § 63-7-123 (2012)Nurse practitioners, certificate of fitness; notice for prescriptive services; copy of protocol

Tenn. Rules and Regs. 0880-6-.02 (2012)Clinical Supervision Requirements


Tenn. Code § 63-7-103 (2012)Professional nursing


