Take a STAND!™
Use Standing Orders to Vaccinate Adults

Session 3

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Session 3
State Law & Standing Orders: TENNESSEE

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Overview

Purpose

• State Law and Practice Acts
• State Law Review:
  – Terms equivalent to Standing Orders
  – Terms equivalent to Vaccination
  – Elements of Immunization Practice
• Immunization Practice in Tennessee
• Supervision Requirements
• Practice Settings
• Notable Provisions in Tennessee Law
• Summary
Purpose

Ensure supervising physicians understand:

- Immunization practice = medical practice
- All states have laws governing how physicians delegate medical tasks to health professionals
- Laws may address:
  - The medical practice eligible for delegation
  - Which professionals may participate
  - Level of required supervision
  - Where the practice may occur
- Broad variability among states – No state authorizes all NPHPs to assess, prescribe and administer vaccines
State Law Review

Reviewed law, regulations, attorney’s general advisory opinions, case law governing:

- Medical Assistants
- Midwives
- Nurses
  - Advanced Practice Nurse
  - Clinical Nurse Specialist
  - Nurse Practitioner
  - Practical Nurse
  - Registered Nurse
  - Vocational Nurse
- Pharmacists
- Physician Assistants
State Law Review

Terms equivalent to “standing orders”:

Collaboration:
- With collaboration
- Collaborative practice
- Collaborative practice agreement
- Collaborative authority
- Collaborating provider

Delegation
- Delegated authority
- Delegation order, agreement

Protocol
- Prescriber-approved protocols
TENNESSEE law does not include the term “standing orders”

<table>
<thead>
<tr>
<th>Professional</th>
<th>Equivalent Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>• Collaborative care plan</td>
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<tr>
<td>• Midwife</td>
<td>• Appropriate protocols or orders</td>
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<tr>
<td>• Clinical Nurse Specialist</td>
<td>• Supervision agreement</td>
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<tr>
<td>• Nurse Practitioner</td>
<td>• Collaborative agreement</td>
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<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>May carry out medical orders prescribed by a physician</td>
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<tr>
<td>Registered Nurse</td>
<td>May act as prescribed by licensed physician, dentist, podiatrist, or nurse authorized to prescribe</td>
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<td>Physician Assistant</td>
<td>May act under written protocols</td>
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</tbody>
</table>
Terms equivalent to “vaccination”:

- Immunization
- Diagnostic or therapeutic regimens/measures
- Drug or device by injection
- Nonscheduled legend drug/substance*
- Medication**
- Pharmacological agents
- Prescription drugs or devices
- Schedule VI controlled substances

* **LEGEND DRUGS** are approved by the FDA and must be dispensed to the public only when a licensed physician or other licensed provider prescribes them. Legend drugs may be a controlled substance or a non-narcotic.


**MEDICATION** includes drugs and pharmaceuticals and may be administered by injection or other methods.
## Defining “Vaccination” in TENNESSEE Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>Drugs</td>
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<tr>
<td>• Midwife</td>
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<tr>
<td>Practical Nurse</td>
<td>Immunizations <em>(IDENTIFIED IN CASE LAW)</em></td>
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<tr>
<td>Registered Nurse</td>
<td>Medications</td>
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<tr>
<td>Pharmacist</td>
<td>Drugs</td>
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<tr>
<td>Physician Assistant</td>
<td>Legend drugs</td>
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</tbody>
</table>
State Law Review

Immunization Practice includes:

Assessment: Screening, examining, diagnosing, treating

• **EXCLUDES:** merely collecting or reporting data, interviewing or taking patient history

Prescription: Oral, written or electronic

• **EXCLUDES:** simply transmitting a prescription issued by another provider

Administration: Injection, oral, nasal

• **EXCLUDES:** Dispensing medication
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<th>Assessment</th>
<th>Prescription</th>
<th>Administration</th>
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<tr>
<td>Advanced Practice Nurse</td>
<td>OWN AUTHORITY</td>
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<td>DELEGATED</td>
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State Law Review

Supervision Requirements include:

**Medical Assistant**
Direct, within close proximity of supervisor, undefined supervision, at physician’s discretion

**Midwife**
Collaborative agreements with supervising physicians if midwife is an Advanced Practice Nurse

**Nurses in Advanced Practice**
Collaborative agreement with supervising physician/system governs entire practice
Supervision Requirements include:

**Practical Nurse**
Direct, on-site supervision from physician, dentist, podiatrist, nurse in advanced practice, registered nurse, physician assistant

**Registered Nurse**
In collaboration with physician, dentist, podiatrist

**Vocational Nurse**
None listed

**Pharmacist**
Under own license or under delegated authority, protocol

**Physician Assistant**
With adequate physician supervision
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<th>Provision</th>
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<tr>
<td>Advanced Practice Nurse</td>
<td>• Must act under the supervision and control of a supervising physician&lt;br&gt;• Supervision does not require the continuous and constant presence of the supervising physician, who must be available for consultation at all times or make arrangements for a substitute physician to be available</td>
</tr>
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<td>Practical Nurse</td>
<td>Must act under the direction of a licensed physician, dentist or professional registered nurse.</td>
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<td>Registered Nurse</td>
<td>May administer medications as prescribed by a physician, dentist, podiatrist, or nurse authorized to prescribe</td>
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<td>Pharmacist</td>
<td>May participate in drug administration</td>
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<td>Physician Assistant</td>
<td>Must act only under the supervision of a physician as set forth in a written protocol. Shall function only under the control and responsibility of a licensed physician who has complete and absolute authority over any action.</td>
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</table>
State Law Review

Permissible Practice Settings include:

Medical Assistant
- Public, private ambulatory care setting, delegating physician’s office, licensed clinics

Midwife
- Public/private clinical settings, physician’s offices

Nurses in Advanced Practice (APN; CNS; NP)
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Practical Nurse
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings
Permissible Practice Settings include:

Registered Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Vocational Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Pharmacist
• Hospitals, pharmacies, other health care facilities, jails

Physician Assistant
• Clinical and community locations
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<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>
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<td>Physician Assistant</td>
<td>Hospital emergency room; Hospital Nursing Home; Assisted care living facility; Mental health hospital; Residential facility; Correctional facility</td>
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NOTABLE TENNESSEE CASE LAW

PRACTICAL NURSES ARE PERMITTED TO VACCINATE CHILDREN


• Practical nurse administered hepatitis B vaccines to a child who later died.

• Court ruled that the nurse had appropriately vaccinated and the child’s death was not caused by the vaccinations.

This case shows that Practical Nurses are permitted to vaccinate in Tennessee.
Summary

Physicians may delegate immunization services in TENNESSEE:

1. ADVANCED PRACTICE NURSE (Midwife, Clinical Nurse Specialist, Nurse Practitioner):
   - May assess and prescribe under own authority and delegation.
   - May administer drugs under delegation

2. PRACTICAL NURSE:
   - May administer carry out medical orders as prescribed by a physician (including immunizations)

3. REGISTERED NURSE:
   - May assess under own authority, may administer medications as prescribed by a physician

4. PHARMACIST:
   - May administer drugs under own authority

5. PHYSICIAN ASSISTANT:
   - May prescribe legend drugs under written protocols

6. MEDICAL ASSISTANTS and VOCATIONAL NURSES:
   - Not addressed in Tennessee law
Comments????
2. Tenn. Rules and Regs. 1000-04-.09 (2015) Prerequisites to Prescribing or Dispensing Medications
5. Tenn. Code § 63-7-123 (2015) Nurse practitioners, certificate of fitness; notice for prescriptive services; copy of protocol
CITATIONS


