



TENNESSEE

State-Specific Controlled Substance Requirements

Updated 5/31/23

<p>Biennial Inventory (DEA):</p>	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two</u> years. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. [21 CFR 1304.11]</p> <p>NOTE:</p> <ul style="list-style-type: none"> • Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances. • Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your annual inventory for the state. • Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness. <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p> <p>TN follows DEA biennial inventory requirements</p>
<p>CE:</p>	<p><u>Veterinarian</u>: 20 hours every year – Tennessee Accepts 8 hours of Online CE Courses</p> <p><u>Veterinarian Technician</u>: 12 hours every year – Tennessee Accepts 4 hours of Online CE Courses.</p> <p>For every two-year period, two (2) of the required hours must pertain to regulatory issues, controlled substances, or professional ethics.</p> <p>CE records must be retained for a period of four years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board.</p>
<p>Compounding:</p>	<p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> • Mixing two injectable drugs in the same syringe • Creating an oral suspension from crushed tablets or an injectable solution • Adding flavoring to a commercially available drug • Creating a transdermal gel for a drug typically taken through other routes • Mixing two solutions for instilling into the ear <p><u>TN Compounding</u>:</p> <p><u>Compounding</u>" means the preparation, mixing, assembling, packaging or labeling of a drug or device:</p> <p>(G) For use by a licensed veterinarian for administration to their non-human patient or patients or for dispensing to non-human patients in the course of the practice of veterinary medicine upon receipt of an order from a veterinarian when the product is not commercially available. TN Code § 63-10-204(6)(G) (2015)</p>
<p>Credentials for Veterinary Technicians:</p>	<p>All vet techs in TN must graduate from a veterinary technician program that has been accredited by the American Veterinary Medical Association (AVMA). Second, candidates must pass the Veterinary Technician National Exam (VTNE).</p>



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<p>Controlled Substance Monitoring Database (CSMD):</p>	<p>Tennessee law requires all prescribers who prescribe controlled substances and provide direct care to patients in Tennessee for more than 15 calendar days per year to register with the database.</p> <p>While the requirements of the Prescription Safety Act are generally applicable to veterinarians, the Act provides that licensed veterinarians who never prescribe a controlled substance in an amount intended to treat a non-human patient for more than five (5) days are not required to register in the Controlled Substance Monitoring Database (CSMD).</p> <ul style="list-style-type: none"> • Licensed veterinarians are not required to check the database before prescribing a controlled substance to a non-human patient. • Licensed veterinarians are not required to report to the database drugs dispensed which are limited to an amount adequate to treat a non-human patient for a maximum of five (5) days. • Licensed veterinarians are not required to report to the database drugs that are administered directly to a non-human patient. <p>Veterinarians are only required to submit prescription dispense reports to CSMD every fourteen (14) days.</p> <p>Generally, all dispensing reports should be filed electronically. However, if filing reports electronically presents an undue hardship, the committee may waive electronic reporting requirements for a period of <u>up to two years</u>. In such instances, manual reporting is still required.</p> <p>The Tennessee Prescription Safety Act of 2012/ Senate Bill 2253 https://www.tn.gov/health/health-program-areas/health-professional-boards/csmd-board/csmd-board/faq.html</p>
<p>Dispensing:</p>	<p>Tennessee includes veterinarians as dispensers, with the caveat that they are not required to report drugs dispensed in a limited quantity to treat nonhuman patients for a maximum of five days or 48 hours.</p> <p>(2) <u>Dispensing Requirements</u>. Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:</p> <p>(a) All federal and state regulations for the dispensing of controlled substances.</p> <p>(b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:</p> <ol style="list-style-type: none"> 1. Animal's name and the name of the animal's owner; 2. Date dispensed; 3. Complete directions for usage; 4. The facility's name, address and phone number; 5. The name, strength, and amount of the medication; 6. The statement: "For veterinary use only"; 7. The dispensing veterinarian's name; and 8. Keep out of the reach of children. <p>(c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.</p> <p>Tenn. Comp. R. & Regs. 1730-01-.21</p>
<p>Diversion Reporting:</p>	<p>Doctor-Shopping: Any healthcare practitioner who prescribes or dispenses controlled substances who has actual knowledge that a person has knowingly, willfully, and with intent to deceive, obtain or attempted to obtain a controlled substance must report that information within five (5) business days to the local law enforcement agency.</p>



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	<ul style="list-style-type: none"> ▪ A reporting form (Practitioner Report of Potential Doctor Shopper to Law Enforcement) is available at: http://tn.gov/assets/entities/health/attachments/PH-4152.pdf ▪ Please call your nearest law enforcement agency and/or the Tennessee Dangerous Drug Task Force at 423-752-1479 or fax the completed form to 423-267-8983. <p><u>Exception:</u> Any healthcare practitioner who has actual knowledge that a person has knowingly, willfully, and with the intent to deceive, obtain or attempted to obtain a controlled substance and who is providing treatment to a person with a mental health illness, may, but is not required to, report the information to law enforcement personnel.</p> <p><u>Reference</u></p> <p>Theft/Significant Loss: When theft or significant loss of a controlled substance (CS) is noticed, it is required to contact DEA "within one business day" of the discovery as stated in Title 21 Code of Federal Regulations (CFR) §1301.76. It is also required to notify the Board (Board Rule 1140-03-.09).</p> <p>If located in central or western Tennessee, DEA Diversion Investigator Rhonda Phillips states that the registrant should report the theft or significant loss to the Nashville, TN, Resident Office at 615/736-2559 or via facsimile at 615/736-2558.</p> <p>The Licensed Individual must promptly report the incident to the TN State Board of Pharmacy. Finally, the Licensed Individual must report to DEA the theft or significant loss of any controlled substances within one business day of discovery. Each agency has its own form that must be used for this reporting. Tenn. Comp. R. & Regs. 1140-03-.09</p> <p>You shall immediately report to the board any robbery, embezzlement, theft, burglary, or fire or disaster resulting in a loss of prescription drugs, or controlled substances or medical devices or related materials. The report shall include a list, including amounts, of such prescription drugs or controlled substances or medical devices or related materials lost or damaged. Tenn. Comp. R. & Regs. 1730-01-.21</p>
<p>Euthanasia:</p>	<p>Euthanasia may be performed by:</p> <ul style="list-style-type: none"> ▪ Licensed veterinarians ▪ Tennessee veterinarian medical technicians who complete a euthanasia technician certification course ▪ Employee or agent of a public or private agency, animal shelter or other facility operated for the care, collection and/or euthanasia of stray, neglected abandoned or unwanted non- livestock <p><u>Non-DVM Supervision Requirements:</u> Euthanasia may be performed by a licensed veterinarian, Tennessee Veterinarian Medical Technicians who complete a euthanasia technician certification course, an employee or agent of a public or private agency or an animal shelter or other facility operated for the care, collection and/or euthanasia of stray, neglected abandoned or unwanted non-livestock animals (AVMA Guidelines for the Euthanasia of Animals: 2020 Edition).</p> <p>Euthanasia shall be performed only by a licensed veterinarian, Tennessee veterinarian medical technician or an employee or agent of a public or private agency, animal shelter or other facility operated for the collection, care or euthanasia of stray, neglected,</p>



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	<p>abandoned or unwanted non-livestock animals, provided that the Tennessee veterinarian medical technician, employee or agent has successfully completed a euthanasia-technician certification course. The curriculum for such course must be approved by the board of veterinary medical examiners and must include, at a minimum, knowledge of animal anatomy, behavior and physiology; animal restraint and handling as it pertains to euthanasia; the pharmacology, proper dosages, administration techniques of euthanasia solution, verification of death techniques, laws regulating the storage, security and accountability of euthanasia solutions; euthanasia technician stress management and the proper disposal of euthanized non-livestock animals (T. C. A. § 44-17-303(d)).</p> <p>An employee, agent or Tennessee veterinarian medical technician performing euthanasia prior to July 1, 2001, who previously passed an approved euthanasia-technician certification course will be accepted as qualified under this part to perform euthanasia on non-livestock animals. Any other employee, agent or Tennessee veterinarian medical technician seeking to perform euthanasia on non-livestock animals on or after July 1, 2001, must obtain certification prior to performing any such euthanasia (T. C. A. § 44-17-303(e)).</p>
<p>Ownership:</p>	<p>Non-veterinarian ownership of a veterinary practice is inconclusive at this time.</p>
<p>Premises Permit:</p>	<p><u>Premises Permit</u> - A permit issued by the board is required to operate a veterinary medical facility when the premises meet minimum standards established by the Board.</p> <ul style="list-style-type: none"> ▪ Time to Obtain: 60 days ▪ New Clinic: <u>60 days</u> prior to opening ▪ Existing Clinic: within <u>60 days</u> of a change in ownership or legal responsibility. <p>Application for Premises Permit</p> <p>Renewal: biennially</p>
<p>Prescriptions:</p>	<p><u>E-prescribing</u>: Tennessee HB1993 was passed in 2018 and required electronic prescribing for schedule II controlled substances. SB0810 was passed in 2019 and amended the previous Act to include a mandate for all controlled substances to be electronically prescribed as of January 1, 2021. Veterinarians are exempt.</p> <p>It is a violation of TN Rule Chapter 1730-01-.13 for a veterinarian to refuse to honor a client's request to prescribe, rather than dispense, a drug. The client has the option of filling a prescription at any pharmacy.</p> <p>https://www.tn.gov/content/dam/tn/health/documents/Policy_Statement_-_Release_of_Prescriptions_Upon_Client_Request.pdf</p> <p>"no prescription for any opioids or benzodiazepines may be dispensed by a Tennessee licensed pharmacy (including out-of-state Tennessee licensed pharmacies mailing into Tennessee) in quantities greater than a thirty (30) day supply."</p> <p>(1) <u>Prerequisites to Prescribing</u></p> <p>(a) For purposes of this Rule, pursuant to 21 CFR 201.105, "animal drugs" are those drugs that are required by federal law to be prescribed by a licensed veterinarian.</p> <p>(b) Before prescribing animal drugs, the veterinarian must first, pursuant to appropriate protocols or veterinary orders, complete and appropriately document all of the following for the animal, herd, or flock on whose behalf the prescription is to be written:</p> <ol style="list-style-type: none"> 1. Perform an appropriate history and physical examination; 2. Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests; 3. Formulate a therapeutic plan and discuss it with the animal's owner, along with the basis for it and the risks and benefits of various treatment options, a part of which might be a prescription or drug; and



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	<p>4. Ensure availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.</p> <p>(c) Notwithstanding the provisions of subparagraph (b), a veterinarian, pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:</p> <ol style="list-style-type: none"> 1. As part of an initial evaluation order; or 2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or 3. For continuation medications on a short-term basis before the veterinarian personally examining the animal, herd, or flock; or 4. For medications administered by the owner of the animal, herd, or flock when the veterinarian has prescribed and/or dispensed in a manner consistent with this rule.
Power or Attorney Notarization:	<p>Under Tennessee law, for a power of attorney to be valid it must either be signed in the presence of a notary or witnessed by two disinterested parties. (A witness cannot be an agent). While Tennessee's power of attorney laws are technically silent on the subject of notarization, you should sign your POA in the presence of a notary public. Many financial institutions will not want to rely on a POA unless it has been notarized—a process that helps to authenticate the document.</p> <p>https://law.justia.com/codes/tennessee/2010/title-34/chapter-6/part-2/34-6-203</p>
Recordkeeping:	<p>CS records: <u>two years</u> per DEA requirements.</p> <p>Patient records: TN law requires all patient records to be maintained for a minimum of <u>three years</u>.</p> <p>(1) The following minimum standards apply to all patient recordkeeping.</p> <ol style="list-style-type: none"> (a) Records shall be maintained for a minimum of three (3) years. (b) A separate log shall be maintained for all controlled substances. (c) Each patient record shall indicate the strength and quantity of any medication prescribed, administered or dispensed. In the case of companion animals, this record shall be maintained for each individual animal. (d) Records shall reflect the problems the patient presents and the veterinary interventions performed or prescribed. <p>Tenn. Comp. R. & Regs. 1730-02-.04</p>
Veterinary Professional License:	<p>TN law requires veterinary practitioners working with controlled substances to have a valid DEA registration and Veterinary Professional License for the State of TN.</p> <p>Application</p> <p>Renewal: A TN vet license is good for 2 years and requires 20 CE credits annually.</p>
State CS License:	<p>Tennessee <u>does not</u> require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in Tennessee.</p>
State Scheduled CS's:	<p>Gabapentin is a <u>schedule V</u> controlled substance at the state-level in TN and should be managed like other controlled substances a federal schedule V controlled substance.</p> <p>Prescriptions for gabapentin should be treated as controlled substance prescriptions and contain all controlled substance requirements.</p> <p><u>Penalties</u>: Gabapentin will be illegal for someone to possess without a prescription. Those found in possession of it without a prescription will be subject to a Class E felony and fines of no more than \$5,000.</p>



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<p>Supervision:</p>	<p>Under Rule 1730-03-.10(1), a "Tennessee-licensed veterinarian must supervise a veterinary technician. This supervision must be in the same veterinary hospital, clinic, or outpatient office."</p> <p>It is the position of the Board that "supervision" under Rule 1730-03-.10(1) means "Responsible supervision," and that, as such, a supervising veterinarian is not required to physically be on the same premises as the veterinary technician being supervised while veterinary services are being provided.</p> <p>"Responsible supervision" or words of similar purport mean the control, direction and regulation by a licensed veterinarian of the duties involving veterinary services that such veterinarian delegates to such veterinarian's personnel."</p>
<p>Telemedicine:</p>	<p>The VCPR cannot be established or maintained solely by telephone or other electronic means (T. C. A. § 63-12-103).</p> <p>Where telemedicine occurs is not defined.</p>
<p>Veterinary Client Patient Relationship (VCPR):</p>	<p>VCPR must be established in-person and only applies to one veterinarian.</p> <p>A "veterinary-client-patient-relationship" means the veterinarian is readily available or has arranged for emergency coverage for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen;</p> <p>(E) The veterinarian must maintain medical records as required by the board of veterinary medical examiners; and</p> <p>(F) The veterinarian-client-patient relationship cannot be established or maintained solely by telephone or other electronic means;</p> <p>(18) "Veterinary facility" means:</p> <p>(A) "Animal medical center" means a facility in which consultative, clinical and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs;</p> <p>(B) "Clinics" means a facility in which the practice conducted is essentially an outpatient type of practice;</p> <p>(C) "Hospital" means a facility in which the practice conducted includes the confinement, as well as the treatment, of patients;</p> <p>(D) "Mobile facility" means a practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls. Regardless of mode of transportation, such practice shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations; and</p> <p>(E) "Office" means a veterinary facility where a limited or consultative practice is conducted and that provides no facilities for the housing of patients (Tenn. Code Ann. § 63-12-103 (West)).</p>

Information and Resources

FEDERAL:

Drug Enforcement Administration, Louisville Division
600 Dr. Martin Luther King Jr. Place



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Suite #1006
Louisville, KY 40202
Phone: (502) 582-5908

DEA Local Offices:

- Chattanooga - (423) 855-6600
- Jackson - (731) 422-2696
- Johnson City - (423) 854-9100
- Knoxville - (865) 584-9364
- Memphis - (901) 969-3500
- Nashville - (615) 736-5988

Federal Law: www.deadiversion.usdoj.gov

Controlled Substances Act: [21 USC 801 – 904](#)

Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)

NDC drug: www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829

Diversion Control Division: <https://www.deadiversion.usdoj.gov/schedules/>

STATE:

Board of Veterinary Medical Examiners website: <https://www.tn.gov/health/health-program-areas/health-professional-boards/veterinary-board/vet-board/about.html>

Tennessee Board of Pharmacy website: <https://www.tn.gov/health/health-program-areas/health-professional-boards/pharmacy-board.html>