

HOUSE BILL 1205

By Kumar

AN ACT to amend Tennessee Code Annotated, Title 33; Title 39; Title 53; Title 63 and Title 68, relative to healthcare services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Immediate family" means a physician's or podiatrist's spouse, parent, child, sibling, or another individual in relation to whom a physician's or podiatrist's personal or emotional involvement may render that physician or podiatrist unable to exercise detached professional judgment in reaching diagnostic or therapeutic decisions;

(2) "Physician" means a physician licensed under this chapter or chapter 9 of this title;

(3) "Podiatrist" has the same meaning as defined in § 63-3-101; and

(4) "Scheduled drug" means a drug, substance, or immediate precursor in Schedules I through V of the federal Controlled Substances Act (21 U.S.C. § 812).

(b) A physician or podiatrist shall maintain records of all treatment provided pursuant to this section.

(c) A physician or podiatrist shall not prescribe, dispense, or administer medication for, or otherwise treat, the physician's or podiatrist's own self or immediate family, except in minor, self-limited, short-term, or urgent, emergency situations.

(d) Notwithstanding subsection (c) or (e), a physician or podiatrist shall not prescribe, dispense, or administer a scheduled drug to the physician's or podiatrist's own self or for immediate family.

(e) Notwithstanding subsection (c), a physician may prescribe, dispense, or administer medication for, or otherwise treat, immediate family within the physician's regular scope of practice if there is no other physician offering healthcare services at a location within thirty (30) miles of the physician's primary practice site.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB1205

Terry
Signature of Sponsor

AMEND Senate Bill No. 1153*

House Bill No. 1205

by deleting all language after the caption and substituting:

WHEREAS, the prescription of medication or treatment by a licensed physician to the physician's own self or to immediate family is not prohibited by law; and

WHEREAS, the American Medical Association and the Tennessee Medical Association have provided ethical guidelines under which a physician may prescribe medications or treat self or members of immediate family; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Immediate family" means a physician's or podiatrist's spouse, parent, child, sibling, or another individual in relation to whom a physician's or podiatrist's personal or emotional involvement may render that physician or podiatrist unable to exercise detached professional judgment in reaching diagnostic or therapeutic decisions;

(2) "Physician" means a physician licensed under chapter 6 or 9 of this title;

(3) "Podiatrist" has the same meaning as defined in § 63-3-101;

(4) "Scheduled drug" means a drug, substance, or immediate precursor in Schedules I through V of the federal Controlled Substances Act (21 U.S.C. § 812); and

(5) "Supervisee" means an individual providing healthcare services under the direct supervision or in collaboration with a physician or podiatrist.

(b) A physician or podiatrist may prescribe, dispense, or administer medication for, or otherwise treat, the physician's or podiatrist's own self or immediate family in short-term, minor, or acute, emergency situations.

(c) Notwithstanding subsection (b), a physician or podiatrist may prescribe, dispense, or administer a scheduled drug to the physician's or podiatrist's own self or immediate family only in acute, emergency situations.

(d) A physician or podiatrist may prescribe, dispense, or administer medication for, or otherwise treat, immediate family within the physician's or podiatrist's regular scope of practice if there is no other physician or podiatrist offering healthcare services at a location within thirty (30) miles of the physician's or podiatrist's primary practice site.

(e) If there is an established provider-patient relationship between a supervising or collaborating physician or podiatrist and a supervisee, which includes a chart for such physician or podiatrist, then the supervisee may prescribe, dispense, or administer medication for, or otherwise treat, a supervising or collaborating physician or podiatrist or such physician's or podiatrist's immediate family only in acute or emergency situations.

(f) A supervisee may prescribe, dispense, or administer scheduled drugs for a supervising or collaborating physician or podiatrist or the supervising or collaborating physician's or podiatrist's immediate family only in acute, emergency situations.

(g) A physician, podiatrist, or supervisee shall maintain records of all treatment provided pursuant to this section.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.