



SENATE BILL 2279

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 63  
and Title 68, relative to pain management.

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

SECTION 1. Tennessee Code Annotated, Section 68-1-128(c)(1), is amended by deleting the subdivision and substituting:

(1) In addition to identifying prescribers pursuant to subsections (a) and (b), beginning July 1, 2017, and annually thereafter, the department shall identify high-risk prescribers based on clinical outcomes, including patient overdoses. The department shall determine which providers are high-risk prescribers and the criteria to make such determination. The department shall make the criteria for identifying prescribers as high-risk prescribers publicly available on the department's website. Providers determined to be high-risk prescribers pursuant to this subdivision (c)(1) are subject to selected chart review and investigation by the department.

SECTION 2. Tennessee Code Annotated, Section 68-1-128(c)(3)(D), is amended by deleting "four-week" and substituting "thirty-day".

SECTION 3. Tennessee Code Annotated, Section 68-1-128, is amended by adding the following as new subdivisions:

(7) Subdivision (c)(1) does not apply to pain management specialists, as defined in § 63-1-301.

(8) The department shall expunge the identification of a prescriber as a high-risk prescriber pursuant to subdivision (c)(1) upon receiving proof that the prescriber has completed the course requirements of subdivision (c)(3)(A), and shall notify the prescriber in writing of the expungement.

SECTION 4. Tennessee Code Annotated, Section 63-1-306, is amended by inserting the following as a new subsection (c), and redesignating the existing subsection (c) and remaining subsections accordingly:

(c)

(1) A pain management specialist may provide coverage for and serve as medical director in the place of a medical director who is unable to fulfill the medical director's duties on a temporary basis because of illness, vacation, or unavailability. Such coverage may be provided on a temporary, short-term basis and does not require the in-person presence of the pain management specialist who is providing coverage for the medical director, as long as that pain management specialist is immediately available by phone.

(2) Temporary service in the capacity of a medical director pursuant to subdivision (c)(1) does not count against the limit of four (4) pain management clinics at which a pain management specialist may serve as medical director under § 63-1-309(c).

(3) The department shall not require a medical director to notify the department of the identity of another pain management specialist who serves as medical director pursuant to subdivision (c)(1) during the medical director's absence.

SECTION 5. Tennessee Code Annotated, Section 63-1-309(c), is amended by deleting "weekly" and substituting "quarterly".

SECTION 6. Tennessee Code Annotated, Section 63-1-316, is amended by adding the following as a new subsection:

(k) The commissioner or the commissioner's designee is authorized to issue advisory private letter rulings to any affected licensee who makes such a request

regarding any matters within this part. Such private letter ruling only affects the licensee making such inquiry and has no precedential value for any other inquiry or future contested case. Any dispute regarding a private letter ruling may, if the commissioner or the commissioner's designee chooses to do so, be resolved pursuant to the declaratory order provisions of § 4-5-223.

SECTION 7. Tennessee Code Annotated, Section 63-1-316(c), is amended by adding the following to the end of the subsection:

The department shall make available to the public on its website all inspection criteria required for compliance by pain management clinics.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2279

Crowe  
Signature of Sponsor

**AMEND Senate Bill No. 2279\***

**House Bill No. 2572**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-1-128(c)(1), is amended by deleting the subdivision and substituting:

(1) In addition to identifying prescribers under subsections (a) and (b), beginning July 1, 2017, and annually thereafter, the department shall identify high-risk prescribers based on clinical outcomes, including patient overdoses. The department shall determine the criteria for identifying a provider as a high-risk prescriber and whether a provider is a high-risk prescriber. The department shall make the criteria for identifying a provider as a high-risk prescriber publicly available on the department's website. A provider identified as a high-risk prescriber under this subdivision (c)(1) is subject to selected chart review and investigation by the department.

SECTION 2. Tennessee Code Annotated, Section 68-1-128(c)(3)(D), is amended by deleting "four-week" and substituting "thirty-day".

SECTION 3. Tennessee Code Annotated, Section 68-1-128(c), is amended by adding the following as a new subdivision:

(7) The department shall expunge a prescriber's identification as a high-risk prescriber under subdivision (c)(1) and notify the prescriber in writing of the expungement upon receiving proof that the prescriber has completed the course requirements of subdivision (c)(3)(A) and either:

(A) None of the patient overdoses that formed the basis for the prescriber's identification as a high-risk prescriber involved a substance prescribed by the prescriber; or

(B) The department does not identify the prescriber as a high-risk prescriber for the next two (2) consecutive years.

SECTION 4. Tennessee Code Annotated, Section 63-1-306, is amended by inserting the following as a new subsection (c), and redesignating the existing subsection (c) and remaining subsections accordingly:

(c)

(1) A pain management specialist may provide coverage for and serve as medical director in place of a medical director who is temporarily unable to fulfill the medical director's duties because of illness, vacation, or other unavailability. The coverage may be provided on a temporary, short-term basis and does not require the in-person presence of the pain management specialist providing the coverage if that pain management specialist is immediately available by telephone.

(2) Temporary service as a medical director under subdivision (c)(1) does not count toward the limit of four (4) pain management clinics at which a pain management specialist may serve as medical director under § 63-1-309(c).

(3) The department shall not require a medical director to notify the department of the identity of another pain management specialist serving as medical director under subdivision (c)(1) during the medical director's absence.

SECTION 5. Tennessee Code Annotated, Section 63-1-309(c), is amended by deleting "weekly" and substituting "quarterly".

SECTION 6. Tennessee Code Annotated, Section 63-1-316, is amended by adding the following as a new subsection:

(k) The commissioner or the commissioner's designee may issue an advisory private letter ruling to an affected licensee that requests a ruling on a matter within this part. A private letter ruling issued under this subsection (k) affects only the licensee that requested the ruling and has no precedential value for another inquiry or a future contested case. A dispute regarding a private letter ruling may, at the election of the commissioner or the commissioner's designee, be resolved under § 4-5-223.

SECTION 7. Tennessee Code Annotated, Section 63-1-316(c), is amended by adding the following to the end of the subsection:

The department shall make all inspection criteria required for compliance by pain management clinics available to the public on the department's website.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.