

## SENATE BILL 672

By Reeves

AN ACT to amend Tennessee Code Annotated, Title 33, Chapter 6, Part 4, relative to individuals authorized to complete certificates of need.

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

SECTION 1. Tennessee Code Annotated, Section 33-6-407, is amended by deleting the section and substituting:

- (a) As used in this section, "qualified advanced practice provider" means an individual working under the supervision of a licensed physician, and who is a:
  - (1) Licensed advanced practice nurse with certification from a national certifying organization as a psychiatric-mental health advanced practice nurse; or
  - (2) Physician assistant with certification from a national certifying organization as having additional qualifications in psychiatry.
- (b) A hospital or treatment resource that receives an individual transported under § 33-6-406 must have a licensed physician or a qualified advanced practice provider examine the individual to determine whether the individual is subject to admission under § 33-6-403.
- (c) If the individual is subject to admission under § 33-6-403, then the physician or qualified advanced practice provider shall complete a certificate of need for the emergency diagnosis, evaluation, and treatment showing the factual foundation for the conclusions on each item of § 33-6-403, and the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation, and treatment.

(d) If the person is not subject to admission and the sheriff or transportation agent is not under a duty to remain at the hospital or treatment resource under § 33-6-406, then the hospital or treatment resource shall return the person to the county.

(e) A hospital, treatment resource, or healthcare provider is immune from civil liability and has an affirmative defense to criminal liability arising either from a determination relative to admission of a person to a facility or treatment resource, or from the transportation of a person to and from the hospital or treatment resource.

SECTION 2. Tennessee Code Annotated, Section 33-6-426, is amended by deleting the section and substituting:

(a) If a person who is not a licensed physician executes the first certificate of need in support of hospitalization under this part, then only a licensed physician may execute the second certificate of need in support of hospitalization under this part.

(b) If a person who is a licensed physician and board certified as a psychiatrist by the American Board of Psychiatry and Neurology executes the first certificate of need in support of hospitalization under this part, then the patient may be subject to admission under § 33-6-403 without the execution of a second certificate of need in support of hospitalization under this part. This subsection (b) does not apply to a state-owned or operated hospital or treatment resource.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Crowe  
Signature of Sponsor

**AMEND Senate Bill No. 672\***

**House Bill No. 1051**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 33-6-407, is amended by deleting the section and substituting:

- (a) As used in this section, "qualified advanced practice provider" means an individual working in collaboration with a licensed physician, and who is a:
  - (1) Licensed advanced practice nurse with a current certification from a national certifying organization as a psychiatric-mental health advanced practice nurse; or
  - (2) Physician assistant with a current certification from a national certifying organization as having additional qualifications in psychiatry.
- (b) A hospital or treatment resource that receives a person transported under § 33-6-406 must have a licensed physician or a qualified advanced practice provider examine the person to determine whether the person is subject to admission under § 33-6-403.
- (c) If the person is subject to admission under § 33-6-403, then the physician or qualified advanced practice provider must complete a certificate of need for the emergency diagnosis, evaluation, and treatment showing the factual foundation for the conclusions on each item of § 33-6-403, and the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation, and treatment.

(d) If the person is not subject to admission and the sheriff or transportation agent is under a duty to remain at the hospital or treatment resource under § 33-6-406, then the sheriff or transportation agent shall return the person to the county.

(e) If the person is not subject to admission and the sheriff or transportation agent is not under a duty to remain at the hospital or treatment resource under § 33-6-406, then the hospital or treatment resource shall return the person to the county.

(f) A hospital, treatment resource, or healthcare provider is immune from civil liability and has an affirmative defense to criminal liability arising either from a determination relative to admission of a person to a facility or treatment resource or from the transportation of a person to and from the hospital or treatment resource.

SECTION 2. Tennessee Code Annotated, Section 33-6-426, is amended by deleting the section and substituting:

(a) If a person who is not a licensed physician executes the first certificate of need in support of hospitalization under this part, then only a licensed physician may execute the second certificate of need in support of hospitalization under this part.

(b) If a person who is a licensed physician and board certified as a psychiatrist by the American Board of Psychiatry and Neurology executes the first certificate of need in support of hospitalization under this part, then the patient may be subject to admission under § 33-6-403 without the execution of a second certificate of need in support of hospitalization under this part.

(c) A certificate of need in support of hospitalization pursuant to subsection (b) is not valid if:

(1) It is made by a professional who is a relative by blood, marriage, or adoption, or the legal guardian, conservator, or legal custodian of the person who is the subject of the petition, application, or certificate;

(2) It is made by a professional who has an ownership interest in a private facility in which the person is to be admitted; or

(3) It is made by a professional who is employed by or contracts with the admitting hospital or treatment resource.

(d) A certificate of need in support of hospitalization executed pursuant to subsection (b) does not relieve the hospital or treatment resource's chief officer from filing with the court, by the time of the probable cause hearing, the required certificates of need under § 33-6-421 and § 33-6-422.

(e) The admitting hospital or treatment resource may rescind the certificate of need executed pursuant to subsection (b), if a licensed physician or other qualified professional in examining the patient determines that the patient no longer meets admission criteria under § 33-6-403.

(f) Subsection (b) does not apply to a state-owned or -operated hospital or treatment resource or a hospital or treatment resource that contracts with the department of mental health and substance abuse services for in-patient psychiatric services.

SECTION 3. Tennessee Code Annotated, Section 33-6-408, is amended by deleting the section and substituting:

If the person has been certified as subject to admission under § 33-6-403 and is already at the hospital or treatment resource at which the person is proposed to be admitted, then the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation, and treatment. The application must be accompanied by the two (2) certificates of need or the one (1) certificate of need executed pursuant to § 33-6-426(b) and must state the reasons and circumstances under which the person was taken into custody.

SECTION 4. Tennessee Code Annotated, Section 33-6-412, is amended by deleting the section and substituting:

IF

(1) the chief officer of a licensed private or local public hospital or treatment resource determines that the person is subject to admission under § 33-6-403 and has the required certificates of need or the one (1) certificate of need executed pursuant to § 33-6-426(b), AND

(2)

(A) a parent, legal guardian, legal custodian, conservator, spouse, or an adult relative of the person, or any other person has made arrangements to pay the cost of care and treatment in a hospital, or treatment resource, OR

(B) the facility chooses to accept the person when no third person has made arrangements to pay the cost,

THEN

(3) the facility may admit and detain the person for emergency diagnosis, evaluation, and treatment.

SECTION 5. Tennessee Code Annotated, Section 33-6-413(a), is amended by deleting the section and substituting:

(a) The chief officer, upon admission of the person, shall notify the judge of the general sessions court where the hospital or treatment resource is located, by telephone or in person, and shall provide the information from the certificates of need or the one (1) certificate of need executed pursuant to § 33-6-426(b) and such other information as the court may desire, that is in the possession of the hospital or treatment resource, bearing on the condition of the person. If the general sessions court finds that there is probable cause to believe that the defendant is subject to admission to a hospital or treatment resource under § 33-6-403, then the court may order the defendant admitted for not more than five (5) days from the date of the order, excluding Saturdays, Sundays, and holidays, for emergency diagnosis, evaluation, and treatment pending a probable cause hearing under § 33-6-422. If the court does not order the defendant admitted, then the defendant must be released.

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.