

HOUSE BILL 837

By Moore

AN ACT to amend Tennessee Code Annotated, Title 63,
relative to medical review committees.

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

SECTION 1 Tennessee Code Annotated, Section 63-6-219, is amended by adding the following language as a new subsection thereto:

(g)

(1) The board of medical examiners shall appoint on a case-by-case basis an independent oversight committee to evaluate the disciplinary action taken by a medical peer review committee against any physician licensed to practice within this state.

(2) If appointed, an independent oversight committee shall:

(A) Be composed of three (3) physicians licensed within this state;

(B) Have at least one (1) member who is board certified in the specialty or subspecialty specific to the area of medicine practiced in the case in question;
and

(C) Be independent of any parties involved in the dispute.

(3) It shall be the duty of an independent oversight committee to initiate a hearing upon the request of any party involved in a disputed action. Upon initiating a hearing, an independent oversight committee shall evaluate the validity of the evidence reviewed and any action taken by a medical peer review committee. A final determination by an independent oversight committee that a medical peer review committee engaged in malicious prosecution may be utilized as good cause by a physician to seek judicial recourse. A final determination by an independent oversight committee that the adverse action taken against a physician by a medical peer review committee was appropriate

may be utilized as good cause by the board of medical examiners to take action against a physician.

(4) If the adverse action taken by a medical peer review committee against a physician is deemed inappropriate by an independent oversight committee, a physician has the right to have such fact made known to the public.

(5) If the adverse action taken by a medical peer review committee against a physician is deemed appropriate by an independent oversight committee, such fact shall be made known to the public and any patients who have ever been or are presently within the care of the physician in question shall be notified immediately.

(6) Public disclosure as required in subdivisions (4)-(5) shall not be construed to authorize disclosure of any information that would be prohibited pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. 1320(d) et seq. The only information accessible to the public shall be:

(A) Nonidentifying or technical medical information;

(B) Details pertaining to any adverse action taken by a peer review committee against a physician; and

(C) Details pertaining to any hearings initiated by an independent oversight committee.

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

Section 63-6-2__.

(a) The department of health through the board of medical examiners shall establish and maintain a statewide database which contains information pertaining to any adverse action taken by a medical peer review committee against a licensed physician within this state. The database shall include:

(1) Any disciplinary action taken against a physician;

(2) The reasons for why the adverse action was taken; and

(3) The results of the review conducted by an independent oversight

committee appointed by the board of medical examiners pursuant to § 63-6-219.

(b) Information contained within a statewide database as required by subsection

(a) shall be used by the board of medical examiners to evaluate the medical peer review practices of institutions statewide.

SECTION 3. The department of health is authorized to promulgate rules and regulations in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, to effectuate the purposes of this act.

SECTION 4. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming a law. For all other purposes, this act shall take effect January 1, 2010, the public welfare requiring it.