

HOUSE BILL 1425

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1, Part 1; Title 63, Chapter 10, Part 3; Title 63, Chapter 11, Part 2; Title 63, Chapter 13, Part 3; Title 63, Chapter 23, Part 1; Title 63, Chapter 25, Part 1; Title 63, Chapter 3, Part 1; Title 63, Chapter 4, Part 1; Title 63, Chapter 6, Part 2; Title 63, Chapter 7, Part 1 and Title 63, Chapter 9, Part 1, relative to the healing arts.

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

SECTION 1. Tennessee Code Annotated, Section 63-1-103, is amended by deleting the section in its entirety and substituting instead the following:

Each application for a license filed with the division shall be on forms prescribed by the division or via online application and shall be accompanied by a fee as set by the division.

SECTION 2. Tennessee Code Annotated, Section 63-1-117, is amended by deleting subsections (f) – (i) and substituting the following:

(f) The following materials, documents and other matters related to, compiled or created pursuant to an investigation, conducted by or on behalf of the department shall not be a public record before formal disciplinary charges are filed against the provider:

- (1) Allegations against the health care provider;
- (2) Complainant's identifying information;
- (3) Identifying information of a witness who requests anonymity;
- (4) Patient's identifying information;
- (5) Patient's medical record; and
- (6) Any report prepared by or on behalf of the department as a part of an

investigation.

(g) After the filing of formal disciplinary charges against the provider, only the materials and documents upon which the charges are based may be disclosed as a public record, but not the complainant's identifying information, identifying information of a witness who requests anonymity, patient's identifying information, patient's medical record or investigator's report.

(h) Department annual health care facility and pharmacy survey inspection reports shall be available to the public pursuant to subsections (f) and (g).

(i) This section does not modify or limit the prehearing discovery provisions set forth in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(j) As used in this section:

(1) "Health care provider" means health care professionals, establishments or facilities licensed, registered, certified or permitted pursuant to this title or title 68 and regulated either under the authority of the department of health or any agency, board, council or committee attached to the department; and

(2) "Medical record" means any and all documents maintained by a health care provider relating to a patient's diagnosis, care and treatment, including, but not limited to, notes, reports, memos, emails, facsimile transmissions, laboratory tests, billing documents and medication orders.

(k) The commissioner of health is authorized to promulgate rules and regulations to effectuate this part.

SECTION 3. Tennessee Code Annotated, Section 63-1-139, is amended by adding the following as a new, appropriately designated subsection:

( ) Each board, commission, committee, agency or other governmental entity created pursuant to this title, title 68, chapter 24 and title 68, chapter 140, part 3 shall have the authority to accept license applications and renewals electronically as if the same were submitted in hard copy format.

SECTION 4. Tennessee Code Annotated, Section 63-3-109(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) Apply on a form prescribed by the board or via online application for an academic license;

SECTION 5. Tennessee Code Annotated, Section 63-4-109(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) Application for licensure shall be made to the board in writing or via online application.

SECTION 6. Tennessee Code Annotated, Section 63-6-207(a), is amended by deleting the language “Persons desiring to practice medicine or surgery in this state shall make application in writing to the board, which application shall be accompanied by” and by substituting instead the language “A person desiring to practice medicine or surgery in this state shall make application in writing to the board or via online application, which shall be accompanied by”.

SECTION 7. Tennessee Code Annotated, Section 63-7-127(d), is amended by deleting the subsection in its entirety and substituting the following:

(d) An individual seeking certification as a medication aide shall apply to the board of nursing on a form prescribed and provided by the board in writing or via online application, and shall also pay the applicable certification fee established by the board.

SECTION 8. Tennessee Code Annotated, Section 63-9-104(a), is amended by deleting the language “Before engaging in the practice of osteopathic medicine, every person shall have made to the secretary of the board application for a certificate of fitness to practice osteopathic medicine, on a from to be prescribed by the board giving” and substituting instead the following language “Before engaging in the practice of osteopathic medicine, a person shall submit an

application to the secretary of the board for a certificate of fitness to practice osteopathic medicine on a form prescribed by the board in writing or via online application, which includes”.

SECTION 9. Tennessee Code Annotated, Section 63-10-306(d), is amended by deleting the subsection in its entirety and substituting the following:

(d) An applicant for licensure as a pharmacist shall be at least twenty-one (21) years of age, be a graduate of a school or college of pharmacy recognized by the board, and submit an application for licensure on a form or forms approved by the board in writing or via online application and pursuant to board rules and regulations.

SECTION 10. Tennessee Code Annotated, Section 63-11-202(c), is amended by deleting the language “Those psychological examiners rendering health-related clinical activities or services who have been duly licensed prior to July 1, 1991, who make written request to the board, shall be senior psychological examiners.” and by substituting instead the following language: “Those psychological examiners rendering health-related clinical activities or services who have been duly licensed prior to July 1, 1991, who request to the board in writing or via online application, shall be senior psychological examiners. ”

SECTION 11 Tennessee Code Annotated, Section 63-13-306(a), is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) An applicant for licensure as a physical therapist or physical therapist assistant shall file an application as required by the board. A non-refundable application fee and cost of the examination shall accompany the completed written or online application. Fees shall be established by the rules promulgated by the board.

SECTION 12. Tennessee Code Annotated, Section 63-23-103(b)(1), is amended by deleting subdivision (A) in its entirety and substituting instead the following:

(A) Submitted a written application in a form prescribed by the board or via online application;

SECTION 13. Tennessee Code Annotated, Section 63-23-104(b)(1), is amended by deleting subdivision (A) in its entirety and substituting instead the following:

(A) Submitted a written application in a form prescribed by the board or via online application;

SECTION 14. Tennessee Code Annotated, Section 63-23-105(b), is amended by deleting subdivision (1) in its entirety and substituting instead the following:

(1) Submitted a written application in a form prescribed by the board or via online application;

SECTION 15. Tennessee Code Annotated, Section 63-25-108, is amended by deleting the language “An applicant for licensure as a dietitian/nutritionist shall file a written application on forms provided by the department showing to the satisfaction of the board that such person” and by substituting instead the language: “An applicant for licensure as a dietitian/nutritionist shall file a written application on forms provided by the department or via online application showing to the satisfaction of the board that such person”.

SECTION 16. For purposes of promulgating rules this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 2014, the public welfare requiring it.