

HOUSE BILL 1758

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 14; Title 29, Chapter 31; Title 33; Title 34, Chapter 6, Part 4; Title 37, Chapter 1; Title 37, Chapter 10; Title 39; Title 49, Chapter 6, Part 50; Title 63 and Title 68, relative to minors.

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) "Healthcare practitioner" means a healthcare professional who is a:

(A) Physician or surgeon licensed under chapter 6 or 9 of this title;

(B) Podiatrist licensed under chapter 3 of this title;

(C) Dentist licensed under chapter 5 of this title;

(D) Advanced practice registered nurse or certified nurse practitioner licensed under chapter 7 of this title; or

(E) Physician assistant licensed under chapter 19 of this title;

(2) "Healthcare professional" means a person who is licensed, registered, certified, permitted, or otherwise authorized by the law of this state to administer health care in the ordinary course of business or practice of a profession;

(3) "Healthcare provider" means a healthcare professional, establishment, or facility licensed, registered, certified, or permitted pursuant to this title or title 68 and regulated under the authority of either the department of

health or an agency, board, council, or committee attached to the department of health; and

(4) "Minor":

(A) Means an individual who has not attained eighteen (18) years of age; and

(B) Does not include an individual who:

(i) Has been emancipated pursuant to title 29, chapter 31;

(ii) Is or was previously a member of the armed forces of the United States, or a member of a reserve or national guard unit;

(iii) Resides at a location other than the primary dwelling of that individual's parents or legal guardians and is responsible for managing the individual's own financial affairs without dependence upon or contribution from a parent or legal guardian;

(iv) Is the parent of a minor child and has full custody of that minor child; or

(v) Is or reasonably believes to be pregnant, based upon a determination by a healthcare provider.

(b) Except as provided in subsection (c), a healthcare provider shall not provide medical treatment to a minor without receiving prior consent to that treatment from a parent or legal guardian of the minor.

(c)

(1) A healthcare provider may, without prior consent from a parent or legal guardian, provide medical treatment to a minor, if:

(A) A healthcare practitioner reasonably believes that the minor's need for the medical treatment is caused by abuse or neglect of the minor; and

(B) The medical treatment is necessary to save the minor's life, prevent further deterioration of the minor's condition, or to alleviate the minor's pain and suffering.

(2) A healthcare provider may, without prior consent from a parent or legal guardian, provide medical treatment to a minor if the healthcare provider reasonably believes that the minor's need for the medical treatment is caused by rape, incest, or sexual abuse.

(3) A healthcare provider may, without prior consent from a parent or legal guardian, provide medical treatment related to a diagnosis of drug-dependency to a minor who is twelve (12) years of age or older, and who has been diagnosed as drug-dependent by two (2) or more physicians licensed under chapter 6 or 9 of this title. The healthcare provider shall immediately notify a parent or legal guardian of the minor as soon as practicable following the initiation of medical treatment, unless a healthcare practitioner makes a determination that the minor is reasonably likely to be subjected to abuse or neglect as the result of the notification.

(4) A healthcare provider may, without prior consent from a parent or legal guardian, provide medical treatment related to drug or alcohol abuse or the treatment of sexually transmitted disease to a minor who is twelve (12) years of age or older. If the minor's condition requires immediate hospitalization, then the healthcare provider shall immediately notify a parent or legal guardian of the

minor as soon as practicable following the earlier of hospitalization or the initiation of medical treatment.

(5) A healthcare provider may, without prior consent from a parent or legal guardian, admit to a hospital as defined in § 68-11-201, and provide mental health treatment to a minor who is fourteen (14) years of age or older, if that minor voluntarily seeks admission to the hospital for the purpose of mental health treatment and provides prior written informed consent to the treatment. The healthcare provider shall immediately notify a parent or legal guardian of the minor as soon as practicable following the earlier of admission or the initiation of mental health treatment, unless a healthcare practitioner makes a determination that the minor is reasonably likely to be subjected to abuse or neglect as the result of the notification.

(6) A healthcare provider may, without prior consent from a parent or legal guardian, commit to an inpatient mental health facility licensed under title 33 and provide mental health treatment to a minor who is sixteen (16) years of age or older, if that minor voluntarily seeks commitment to the facility for the purpose of mental health treatment and provides prior written informed consent to the treatment. The healthcare provider shall immediately notify a parent or legal guardian of the minor as soon as practicable following the earlier of commitment or the initiation of mental health treatment, unless a healthcare practitioner makes a determination that the minor is reasonably likely to be subjected to abuse or neglect as the result of the notification.

(d) A violation of this section constitutes professional misconduct and subjects a violator to sanctions by the appropriate licensing authority of this state.

(e) To the extent that this section conflicts with another law, this section controls.

SECTION 2. The licensing authorities for healthcare practitioners affected by SECTION 1 shall promulgate emergency rules within seventy-five (75) days of the effective date of this act to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.