

HOUSE BILL 2250

By Vaughan

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 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) A certificate of need for emergency diagnosis, evaluation, and treatment completed by a qualified advanced practice provider pursuant to subsections (b) and (c) must be reviewed by the supervising physician as soon as practicable, but no more than twenty-four (24) hours after completion by the qualified advanced practice provider. The review by the supervising physician must be a face-to-face assessment, either in-person or by electronic means, of the individual admitted under § 33-6-403.

(e) The admitted individual must be returned to the county as set forth in subsections (f) and (g), if:

(1) The supervising physician does not concur with the certificate of need;

(2) The supervising physician determines that continued hospitalization of the admitted individual is not necessary; or

(3) The certificate of need is not reviewed by the supervising physician within twenty-four (24) hours of completion as required by subsection (d).

(f) If the individual 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 must return the individual to the county.

(g) If the individual 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 must return the individual to the county.

(h) A hospital, treatment resource, or healthcare provider is immune from civil liability and has an affirmative defense to criminal liability arising from:

(1) A determination relative to admission of an individual to a facility or treatment resource; or

(2) The transportation of an individual to and from the hospital or treatment resource.

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

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