

HOUSE BILL 2303

By Turner M

AN ACT to amend Tennessee Code Annotated, Title 33,
relative to the state opioid treatment authority.

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

SECTION 1. Tennessee Code Annotated, Title 33, is amended by adding Section 2-
Section 7 of this Act as a new Chapter 10.

SECTION 2.

§ Section 33-10-101. This part shall be known and may be cited as the "Opioid
Treatment Authority Act of 2009."

SECTION 3.

§ Section 33-10-102. It is the policy of this state that the department of mental
health and developmental disabilities ("department") is the designated state agency with
authority to license and regulate opioid treatment facilities in the state of Tennessee.
The department, as the state Opioid Treatment Authority ("authority"), shall designate
appropriate staff to advise the department on issues concerning opioid treatment; advise
the department and develop best practice policies on the treatment of service recipients
and the administration of drugs within the opioid treatment facilities; and perform other
functions as necessary for the protection and welfare of opioid dependent service
recipients.

SECTION 4.

§ Section 33-10-103.

(1) "Opioid Treatment Facility" includes, for purposes of this part, any
program for chronic heroin or other opiate-like drug users that administers
narcotic drugs under physicians' orders either for detoxification purposes or for

maintenance treatment in a rehabilitative context; the term facility includes any program or clinic licensed by the Department to operate as an Opioid Treatment Facility.

(2) "Service Recipient" includes, for purposes of this part, any individual who is receiving service, has applied for service or has received a service provided by an Opioid Treatment Facility subject to the licensure jurisdiction of the department.

SECTION 5.

§ Section 33-10-104. The department shall adopt rules for operation of the Opioid Treatment Authority, including, but not limited to adequacy of services, qualifications of professional staff, administration of drugs within the facilities, reporting requirements, and administration of the opioid treatment authority.

SECTION 6.

§ Section 33-10-105. The department shall have authority to establish reasonable fees to cover the costs of administering the provisions of this part by rules adopted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5 of the Tennessee Code. The department is authorized to adopt necessary rules to implement the provisions of this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5 of the Tennessee Code.

SECTION 7.

§ Section 33-10-106.

(a) The commissioner shall establish and maintain a service recipient protection trust fund, created by the deposit of all administrative fees collected under the provisions of this part.

(b) The trust fund shall be maintained for the purpose of monitoring the safety and welfare of the service recipients of opioid treatment facilities.

(c) Notwithstanding any provision of law to the contrary, trust funds remaining unspent at the end of the fiscal year shall be carried over into the budget of the department for the subsequent fiscal year, and shall continue to be carried over from year to year until expended for the purposes prescribed in this section.

SECTION 8.

§ Section 33-10-107.

(a) All opioid treatment facilities licensed by the department shall submit to the department reporting data in order to ensure the delivery of the best possible care and treatment for the citizens of Tennessee.

(b) The commissioner shall determine, through the promulgation of rules and regulations, the contents and format of the data to be reported, but may request early submission or completion of the reports at the discretion of the commissioner, or the commissioner's designee.

SECTION 9. This act shall take effect upon becoming law, the public welfare requiring it.