

HOUSE BILL 2308

By Vaughan

AN ACT to amend Tennessee Code Annotated, Title 33; Title 53; Title 63 and Title 68, relative to the use of buprenorphine products.

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

SECTION 1. Tennessee Code Annotated, Section 53-11-311, is amended by deleting subdivision (c)(1) and substituting:

(1) Notwithstanding another provision of this title, and except as otherwise provided in subdivision (c)(2) and subsection (h), a physician licensed under title 63, chapter 6 or 9, is the only healthcare provider authorized to prescribe a buprenorphine product for a federal food and drug administration-approved use in recovery or medication-assisted treatment.

SECTION 2. Tennessee Code Annotated, Section 53-11-311, is amended by deleting subdivision (c)(2)(C) and substituting:

(C) Is employed by a community mental health center, as defined in § 33-1-101, or a federally qualified health center, as defined in § 63-10-601(a), that employs one (1) or more physicians and has adopted clinical protocols for medication-assisted treatment; or is employed by a hospital, as defined in § 68-11-201 or that is exempt from licensure under § 33-2-403(b)(8), or an affiliated clinic operated under the hospital's license;

SECTION 3. Tennessee Code Annotated, Section 53-11-311(h)(1), is amended by deleting "who is employed by or contracted with a nonresidential office-based opiate treatment facility, as defined in § 33-2-402".

SECTION 4. Tennessee Code Annotated, Section 53-11-311, is amended by deleting subdivisions (h)(2)(A)-(h)(2)(B) and substituting:

(A) The provider works in a hospital, as defined in § 68-11-201 or that is exempt from licensure under § 33-2-403(b)(8), an affiliated clinic operated under the hospital's license, or a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, that is licensed by the department of mental health and substance abuse services and that does not have authority to dispense buprenorphine products;

(B) The provider practices under the direct supervision of a physician who is licensed under title 63, chapter 6 or chapter 9; holds an active DATA 2000 waiver from the United States drug enforcement administration; and is actively treating patients with buprenorphine products for recovery or medication-assisted treatment at the same facility as the provider;

SECTION 5. Tennessee Code Annotated, Section 53-11-311, is amended by deleting subdivision (h)(2)(K) and substituting:

(K) If the provider is employed by a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, the provider prescribes buprenorphine products only to patients who are treated through a nonresidential office-based opiate treatment facility that employs or contracts with the provider;

SECTION 6. Tennessee Code Annotated, Section 53-11-311, is amended by deleting subdivision (h)(2)(N) and substituting:

(N) When providing direct supervision, the physician does not oversee more than two (2) providers licensed under title 63, chapter 7 or 19, at one (1) time during clinical operations, except that this restriction does not apply in a hospital, as defined in § 68-11-201, or an affiliated clinic operated under the hospital's license; and

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.