



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 252**

### **SENATE BILL NO. 221**

**By Roberts, Hensley**

Substituted for: House Bill No. 273

By Terry

AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 53; Title 56; Title 63; Title 68 and Title 71, relative to health.

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

SECTION 1. Tennessee Code Annotated, Section 63-6-101, is amended by adding the following as a new subsection:

(c)(1) The division shall consult the board in the hiring of a medical consultant. A licensed physician, hired by the division in consultation with the board as described in this subdivision (c)(1), and designated and authorized by the board, is vested with authority as a consultant to the board to do the following:

(A) Review and make recommendations to the board on licensure, certification, exemption, renewal, reinstatement, and reactivation applications subject to the rules governing those respective applications;

(B) In consultation with the office of general counsel, determine what, if any, investigation should be instituted upon complaints received by the division;

(C) In consultation with the office of general counsel and in accordance with board guidelines, decide whether a licensee who is the subject of a complaint or an investigation is an appropriate candidate for diversion to a professional peer review organization or impaired professional association;

(D) In consultation with the office of general counsel, determine what, if any, complaints or investigations should be referred to the office of general counsel to pursue formal disciplinary action;

(E) In consultation with the office of general counsel, determine what, if any, terms of proposed settlement may be offered in any matter referred to the office of general counsel to pursue formal disciplinary action. However, a proposed settlement is not binding upon any party unless and until it is accepted by a majority vote of the entire board or a duly constituted panel of the board; and

(F) In consultation with the office of general counsel, determine the terms upon which the division can agree to tentatively settle pending disciplinary actions. However, a tentative settlement is not binding upon a party unless and until it is accepted by a majority of the entire board or a duly constituted panel of the board.

(2) The board may withdraw its designation and authorization for a consultant to perform all or part of the acts listed in subdivision (c)(1).

(3) The department shall provide biannual surveys to the board for its feedback and review of the consultant described in this subsection (c).

(4) The board may promulgate rules regarding how it will review the work of consultants described in this subsection (c).

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 221

PASSED: April 17, 2023

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28<sup>th</sup> day of April 2023

  
\_\_\_\_\_  
BILL LEE, GOVERNOR