

SENATE BILL 560

By Walley

AN ACT to amend Tennessee Code Annotated, Title 63 and Title 68, Chapter 11, relative to the employment of medical professionals.

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

SECTION 1. Tennessee Code Annotated, Section 63-6-204, is amended by adding the following as a new subsection:

(l)

(1) This section does not prohibit a hospital or an affiliated entity from employing an emergency physician to treat patients at a satellite emergency department, or a physician to treat patients at a primary care clinic or urgent care clinic, which are located in this state and owned or controlled by the hospital or affiliated entity, if:

(A) The hospital:

(i) Is located in a neighboring state in a county contiguous to this state;

(ii) Is licensed by the appropriate healthcare facility licensing authority in that state; and

(iii) Holds a valid certificate of need for a satellite emergency department in this state;

(B) The physician is licensed to practice medicine in this state;

and

(C) The employment relationship with the physician is evidenced by a written contract, job description, or other documentation containing

language that does not restrict the physician from exercising independent medical judgment in diagnosing and treating patients.

(2) A hospital or affiliated entity that employs a physician pursuant to subdivision (l)(1) is not deemed to be engaged in the practice of medicine.

(3) As used in this subsection (l), "affiliated entity" means an entity that is directly or indirectly controlled by, or is under common control with, the hospital.

SECTION 2. Tennessee Code Annotated, Section 68-11-205, is amended by adding the following as a new subsection:

(g)

(1) Notwithstanding this section or another law, a hospital or an affiliated entity may employ an emergency physician to treat patients at a satellite emergency department, or a physician to treat patients at a primary care clinic or urgent care clinic, which are located in this state and owned or controlled by the hospital or affiliated entity, if:

(A) The hospital:

(i) Is located in a neighboring state in a county contiguous to this state;

(ii) Is licensed by the appropriate healthcare facility licensing authority in that state; and

(iii) Holds a valid certificate of need for a satellite emergency department in this state;

(B) The physician is licensed to practice medicine in this state;

and

(C) The employment relationship with the physician is evidenced by a written contract, job description, or other documentation containing

language that does not restrict the physician from exercising independent medical judgment in diagnosing and treating patients.

(2) A hospital or affiliated entity that employs a physician pursuant to subdivision (g)(1) is not deemed to be engaged in the practice of medicine.

(3) As used in this subsection (g), "affiliated entity" means an entity that is directly or indirectly controlled by, or is under common control with, the hospital.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.