

SENATE BILL 1853

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 63
and Title 67, relative to health care.

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

SECTION 1. Tennessee Code Annotated, Section 63-51-105(a), is amended by adding the following as a new subdivision:

() For the profile of any nurse practitioner who certified under § 63-7-123, or any physician assistant licensed under § 63-19-105, the name of such person's supervising physician;

SECTION 2. Tennessee Code Annotated, Section 63-51-117, is amended by adding the following as a new subsection (e) and redesignating the existing subsection (e) as subsection (f):

(e)

(1) If a nurse practitioner or physician assistant fails to notify the department of a change of such person's supervising physician within thirty (30) days of the occurrence of such change, the physician listed on such person's profile under § 63-51-105 may report such a change to the department. Prior to removing a physician's name from the profile of a nurse practitioner or physician assistant, the department shall notify the nurse practitioner or physician assistant in writing at the address on the nurse practitioner's or physician assistant's profile that the supervising physician listed on the profile has notified the department that the physician has either never been the supervisor or no longer provides supervision for the nurse practitioner pursuant to § 63-7-123 or the physician assistant pursuant to § 63-19-106.

(2)

(A) A nurse practitioner or physician assistant shall be given ten (10) calendar days from the date of the receipt of notice under subdivision (e)(1) to dispute the physician's contention that the physician is not the supervising physician for the nurse practitioner or physician assistant.

(B) If the notice is returned undelivered, the department is authorized to remove the physician's name from the profile and to notify the board of nursing or committee on physician assistants, as appropriate, of an incorrect address and the nurse practitioner's or physician assistant's failure to update the provider's profile.

(C) If the nurse practitioner or physician assistant receives the notice but does not to dispute the physician's contention that the physician is not the supervising physician for the nurse practitioner or physician assistant, the department is authorized to remove the physician's name from the profile.

(D) If the department removes a physician's name from the profile of a nurse practitioner or physician assistant under subdivision (e)(2)(B) or (C):

(i) In the case of a nurse practitioner, the board of nursing shall determine if the nurse practitioner is currently issuing prescriptions and, if so, who the nurse practitioner's supervising physician is and why the nurse practitioner has not updated the provider's profile as required. Notwithstanding subsection (f), the board is authorized to take any action it deems appropriate under § 63-7-115; or

(ii) In the case of a physician assistant, the committee on physician assistants shall determine if the physician

assistant is currently providing services for which supervision is required by § 63-19-106 and, if so, who the physician assistant's supervising physician is and why the physician assistant has not updated the provider's profile as required. Notwithstanding subsection (f), the committee is authorized to take any action it deems appropriate under § 63-19-104.

(E) If a nurse practitioner or physician assistant disputes a physician's contention that the physician is not the supervising physician for the nurse practitioner or physician assistant, the board of nursing or the committee on physician assistants, as appropriate, and the physician's licensing board, either the board of medical examiners or the board of osteopathic examination, shall each appoint a representative to meet with the two (2) parties and make a recommendation to the department on resolving the conflict. The nurse practitioner or physician assistant shall submit a representative number of copies of de-identified medical records which reflect that the physician supervisor is currently reviewing and signing off on the nurse practitioner's or physician assistant's charts. Should the board and committee representatives disagree on the issue of whether the physician the supervising physician for the nurse practitioner or physician assistant, the information provided by both parties shall be submitted to the commissioner for final determination. If the board and committee representatives or the department determine that the supervising physician has not met the requirements for supervising a nurse practitioner or physician assistant, the appropriate licensing board shall be notified and shall take action as it deems appropriate.

(3) Failure comply with this subsection (e) is an intentional misrepresentation for purposes of § 63-51-113 and a failure to comply with the requirements of this chapter for purposes of § 63-51-117(e).

SECTION 3. Tennessee Code Annotated, Section 63-19-107(1), is amended by deleting the language "fifteen (15)" in the second sentence and substituting the language "thirty (30)".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.