

SENATE BILL 2421

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 53,
Chapter 10, Part 3, relative to prescription safety.

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

SECTION 1. Tennessee Code Annotated, Section 53-10-302, is amended by adding the following as a new subdivision:

() "Part 2 program" has the same meaning as defined by 42 CFR § 2.11;

SECTION 2. Tennessee Code Annotated, Section 53-10-303, is amended by deleting subdivision (f)(4) and substituting:

(4) The control, sharing, and dissemination of data and information in the database with other states, other governmental entities, and other entities acting on behalf of any such state or governmental entity;

SECTION 3. Tennessee Code Annotated, Section 53-10-304, is amended by deleting subdivisions (d)(5) and (6) and substituting:

(5) Any drug, other than methadone, prescribed for administration directly to a patient during the course of inpatient or residential treatment in a hospital or nursing home licensed under title 68 or during the course of inpatient treatment in a hospital licensed under title 33.

SECTION 4. Tennessee Code Annotated, Section 53-10-304(e), is amended by deleting the subsection and substituting:

(e) Notwithstanding subsection (c) or (d), a healthcare practitioner whose practice is a Part 2 program shall submit the dispensing of all controlled substances in accordance with this part. However, this subsection (e) does not apply to a practitioner

until the commissioner promulgates rules regulating the reporting of such dispensing and access to the reported information that complies with the confidentiality provisions of 42 CFR part 2.

SECTION 5. Tennessee Code Annotated, Section 53-10-305, is amended by deleting the first sentence of subsection (f) and substituting:

The committee, the commissioner, or a designee appointed by the committee or commissioner may review information in the database, subject to the privacy protections of 42 CFR part 2 for information reported to the database by a Part 2 program.

SECTION 6. Tennessee Code Annotated, Section 53-10-305(h)(1), is amended by deleting the subdivision and substituting:

(1) Effectively enforce the limitations on access to the database as described in this part, including rules that ensure compliance with 42 CFR part 2 for information reported to the database by a Part 2 program; and

SECTION 7. Tennessee Code Annotated, Section 53-10-306(a), is amended by deleting the language "§ 53-10-311" and substituting "§§ 53-10-304 and 53-10-311".

SECTION 8. Tennessee Code Annotated, Section 53-10-306(a)(2), is amended by deleting the language "or any designee appointed by the committee".

SECTION 9. Tennessee Code Annotated, Section 53-10-306(h)(4), is amended by deleting the subdivision and substituting:

(4) A healthcare practitioner or healthcare practitioner delegate may place a copy of a patient's report obtained from the database pursuant to this section in that patient's medical records, with the exception of information reported to the database by a Part 2 program. Once a copy of the patient's report obtained from the database pursuant to this section is placed in the patient's medical records, the copy is subject to disclosure on the same terms and conditions as medical records under §§ 63-1-117 and

63-2-101. A patient's information reported to the database by a Part 2 program shall not be placed in the patient's medical records unless doing so complies with the privacy requirements of 42 CFR part 2 and the rules promulgated by the commissioner pursuant to § 53-10-304(e).

SECTION 10. Tennessee Code Annotated, Section 53-10-306, is amended by adding the following as a new subsection:

() Notwithstanding subsections (a)- (p), information reported to the database by a Part 2 program, as well as a subsequent disclosure of such information, may only be made available in accordance with 42 CFR part 2 and the rules promulgated by the commissioner pursuant to § 53-10-304(e).

SECTION 11. Tennessee Code Annotated, Section 53-10-308, is amended by adding the following as a new subsection:

() Data reported to the database by a Part 2 program shall not be released under this section or § 53-10-306 unless such release complies with 42 CFR part 2 and the rules promulgated by the commissioner pursuant to § 53-10-304(e).

SECTION 12. Tennessee Code Annotated, Section 53-10-311(a), is amended by deleting the language "The committee" and substituting "The operations committee".

SECTION 13. Tennessee Code Annotated, Section 53-10-311(b)(1), is amended by deleting "that committee" and substituting "the operations committee".

SECTION 14. Tennessee Code Annotated, Section 53-10-311(e)(1), is amended by deleting the subdivision and substituting:

(1) Notwithstanding this part to the contrary, the commissioner may enter into agreements with the federal centers for disease control and prevention (CDC), other states, other governmental entities, or entities acting on behalf of the CDC or such state

or governmental entity for the purposes of sharing and disseminating data and information in the database.

SECTION 15. Tennessee Code Annotated, Section 53-10-311(e)(2)(A), is amended by deleting "by other state or federal entities charged with protecting the public health" and adding "or patient care coordination".

SECTION 16. Tennessee Code Annotated, Section 53-10-311(e)(3), is amended by deleting the subdivision and substituting:

(3) Before the commissioner executes an agreement with the CDC, another state, another governmental entity, or an entity acting on behalf of the CDC or such state or governmental entity, the agreement must be approved by the operations committee.

SECTION 17. Tennessee Code Annotated, Section 53-10-311(e), is amended by adding the following as a new subdivision:

() An agreement executed by the commissioner pursuant to this subsection (e) must comply with 42 CFR part 2 to the extent that the agreement includes information reported to the database by a Part 2 program.

SECTION 18. This act takes effect upon becoming a law, the public welfare requiring it.