

Amendment No. _____

Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 1960

House Bill No. 2050*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 63-13-103(12), is amended by deleting the subdivision and substituting the following:

(12) "Physical therapist" or "physiotherapist" means a person who is licensed pursuant to this chapter to practice physical therapy;

SECTION 2. Tennessee Code Annotated, Section 63-13-103, is amended by adding the following as a new subdivision:

() "Competence" is the application of knowledge, skills, and behaviors required to function effectively, safely, ethically, and legally within the context of the patient's role and environment;

SECTION 3. Tennessee Code Annotated, Section 63-13-301, is amended by deleting subsection (a) and substituting the following:

(1) A physical therapist, or physiotherapist, licensed under this chapter is fully authorized to practice physical therapy.

(2) A physical therapist, or physiotherapist, is not licensed under this chapter unless the individual holds a degree from a professional physical therapy program accredited by a national accreditation agency recognized by the United States department of education and by the board of physical therapy.

SECTION 4. Tennessee Code Annotated, Section 63-13-303(a), is amended by deleting the subsection and substituting the following:



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(a) The practice of physical therapy must be under the written or oral referral of a referring practitioner who is a licensed doctor of medicine, chiropractic, dentistry, podiatry, or osteopathy, except a licensed physical therapist may:

(1) Conduct an initial patient visit without referral;

(2) Provide physical assessments or instructions, including a recommendation of exercise to an asymptomatic person, without the referral of a referring practitioner;

(3)

(A) In emergency circumstances, including minor emergencies, provide assistance to a person to the best of a physical therapist's ability without the referral of a referring practitioner. Except as provided in subdivision (a)(4), the physical therapist shall refer the person to the appropriate healthcare practitioner, as indicated, immediately after providing assistance;

(B) For the purposes of subdivision (a)(3)(A):

(i) "Emergency circumstances" means instances where emergency medical care is required; and

(ii) "Emergency medical care" means bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(a) Placing the patient's health in serious jeopardy;

(b) Serious impairment to bodily functions; or

(c) Serious dysfunction of any bodily organ or part;

and

(4) Treat a patient without a referral when, within the scope of practice of physical therapy, the following are met:

(A) The patient's physician, as defined in § 63-6-204(f)(7) has been notified;

(B) If the physical therapist determines, based on clinical evidence, that no progress has been made with respect to that patient's condition within thirty (30) days, immediately following the date of the patient's initial visit with the physical therapist, then the physical therapist shall not provide any additional physical therapy services and shall refer the patient to a healthcare practitioner who qualifies as a referring practitioner;

(C) Physical therapy services must not continue beyond ninety (90) days without consulting with the patient's appropriate healthcare practitioner;

(D) If the patient was previously diagnosed by a licensed physician with chronic, neuromuscular, or developmental conditions, and the evaluation, treatment, or services are being provided for problems or symptoms associated with one (1) or more of those previously diagnosed conditions, then subdivisions (a)(4)(B) and (a)(4)(C) do not apply; and

(E) A physical therapist shall refer patients under the physical therapist's care to appropriate healthcare practitioners, if, at any time, the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice of a physical therapist, reasonable therapeutic progress is not being achieved for the patient, or physical therapy treatment is contraindicated.

SECTION 5. Tennessee Code Annotated, Section 63-13-303, is amended by adding the following as a new subsection:

(c) It is unprofessional conduct, for the purposes of § 63-13-312, for a physical therapist to knowingly initiate services to a patient in violation of subdivision (a)(4).

SECTION 6. Tennessee Code Annotated, Section 63-13-305, is amended by deleting subdivision (b)(3) and substituting the following:

(3) A physical therapist or physical therapist assistant licensed in another United States jurisdiction, or a foreign-educated or internationally trained physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty (60) days in a calendar year; and

SECTION 7. Tennessee Code Annotated, Section 63-13-306, is amended by deleting subsection (e) and substituting the following:

(e) Applicants who do not pass the examination after the first attempt may retake the examination one (1) additional time without reapplication for licensure up to a total of six (6) attempts. Applications remain active for twelve (12) months. After twelve (12) months, applicants must submit a new application with all applicable fees.

SECTION 8. Tennessee Code Annotated, Section 63-13-307(a)(4), is amended by deleting the subdivision and substituting the following:

(4) Be a graduate of a professional physical therapy program accredited by a national accreditation agency recognized by the United States department of education and by the board of physical therapy; and

SECTION 9. Tennessee Code Annotated, Section 63-13-307, is amended by deleting subdivisions (a)(1) and (b)(1).

SECTION 10. Tennessee Code Annotated, Section 63-13-307(d), is amended by deleting the following language:

An applicant for licensure as a physical therapist who has been educated outside the United States shall meet the following qualifications:

and substituting the following:

An applicant for licensure as a physical therapist who has been educated outside the United States, foreign-educated, or internationally trained shall meet the following qualifications:

SECTION 11. Tennessee Code Annotated, Section 63-13-307, is amended by deleting subdivision (d)(1).

SECTION 12. Tennessee Code Annotated, Section 63-13-308, is amended by deleting the section and substituting the following:

63-13-308. License renewal – Eligibility to apply for physical therapy licensure compact privileges – Changes in name or address – Retirement – Inactive Status – Exemption from continuing education requirements.

(a) A physical therapist or physical therapist assistant licensed under this part shall renew the person's license as specified in the rules. An individual who fails to renew the license by the date of expiration shall not practice physical therapy or function as a physical therapist assistant in this state.

(b) A physical therapist or physical therapist assistant licensed in a jurisdiction that is a member state of the Physical Therapy Licensure Compact is eligible to become a licensee for compact privileges in this state, subject to the requirements in § 63-13-402.

(c) Each licensee shall report to the division a name change and changes in business and home address within thirty (30) days of the change.

(d) A person licensed by the board to the practice of physical therapy in this state who has retired, or may retire, from the practice in this state is not required to register as required by this part if the person files with the board an affidavit on a form to be furnished by the board, which affidavit states the date on which the person retired from the practice and any other facts the board considers necessary that tend to verify the retirement. If the person thereafter reengages in the practice in this state, the person must apply for licensure with the board as provided by this part and meet the continuing

education requirements that are established by the board, except for good and sufficient reasons as determined by the board.

(e) A person licensed by the board may place their license on inactive status by filing the proper forms with the board and by paying a biennial fee in accordance with rules. If the person thereafter reengages in active practice of physical therapy in this state, then the person must apply for relicensure with the board as provided by this part and meet the continuing education requirements as are established by the board, except for good and sufficient reasons as determined by the board.

SECTION 13. Tennessee Code Annotated, Section 63-13-310, is amended by deleting subsection (a) and substituting the following:

(a) A physical therapist shall use the letters "PT" or "DPT", as appropriate for the individual's education, in connection with their name or place of business to denote licensure under this part.

SECTION 14. Tennessee Code Annotated, Section 63-13-312(a), is amended by adding the following as new subdivisions:

() Acting in a manner inconsistent with generally accepted standards of physical therapy practice;

() Practicing physical therapy with a mental or physical condition that impairs the ability of the licensee to practice with skill and safety;

SECTION 15. Tennessee Code Annotated, Section 63-13-318, is amended by deleting subsection (k) and substituting the following:

(k) In making appointments to the board, the governor shall strive to ensure that at least one (1) member is fifty-five (55) years of age or older, that at least one (1) member is a racial minority, and that the gender balance of the board reflects the gender balance of the state's population.

SECTION 16. The heading to a section in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code

Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to actions occurring on or after that date.

Amendment No. _____

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Date _____
Time _____
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Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 2331*

House Bill No. 2493

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following as a new chapter:

(a) As used in this chapter:

(1) "Honorably discharged veteran" means any person who has been honorably discharged from the army, navy, air force, marine corps, or coast guard, or any person who has been honorably discharged from a reserve component as defined in 10 U.S.C. § 10101, having performed active federal service in the armed forces of the United States;

(2) "Licensing authority" means a state board, agency, or commission, attached to the division of regulatory boards, as listed in § 4-3-1304(a), with the authority to impose training, education, or licensure fees to practice in an occupation regulated under this title; and

(3) "Member of the armed forces" means a member of the United States armed forces or a member of a reserve or Tennessee national guard unit who is in, or was called into, active service or active military service of the United States, as defined in § 58-1-102.

(b) Members of the United States armed forces and persons who are honorably discharged veterans are eligible to receive equivalent credit toward the receipt of an occupational license regulated under this title relating to the training received while serving in the armed forces if the training is consistent with requirements for licensure as



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determined by the applicable licensing authority. In order to receive credit in accordance with this subsection (b), the member of the armed forces or honorably discharged veteran shall submit to the applicable licensing authority as evidence of training a certificate from:

- (1) The United States department of defense; or
- (2) The United States department of veterans affairs.

(c) Any person aggrieved by a decision of a licensing authority concerning eligibility for equivalent credit under this section may appeal to the commissioner with oversight authority for the licensing authority, or the commissioner's designee, for a determination of whether the training meets the requirements for licensure. An appeal under this subsection (c) must be conducted in the same manner as is provided in § 4-5-322, for a contested case hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) Each commissioner with oversight authority for a licensing authority of an occupation regulated under this title, in collaboration with the commissioner of veterans services, shall promulgate rules to effectuate this section. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021.

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 289

House Bill No. 162*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-4-102(a), is amended by deleting the language "and two (2) consumer members who are not affiliated with the practice of chiropractic" and substituting instead the language "one (1) member who is a chiropractic X-ray technician or chiropractic therapy assistant and who has been certified in this state for not less than two (2) years, and one (1) consumer member who is not affiliated with the practice of chiropractic".

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



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Amendment No. _____

FILED
Date _____
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Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 1730*

House Bill No. 2384

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-1602(7)(B), is amended by adding the following new subdivision:

(vii) Home care services provided under the federal Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), compiled in 42 U.S.C. § 7384 et seq.;

SECTION 2. Tennessee Code Annotated, Section 68-11-1602(9), is amended by deleting the subdivision and substituting the following:

(9) "Home care organization":

(A) Means any entity licensed as such by the department that is staffed and organized to provide home health services, or hospice services as defined by § 68-11-201, to patients in either their regular or temporary place of residence; and

(B) Does not include home care services provided under the federal Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), compiled in 42 U.S.C. § 7384 et seq.;

SECTION 3. Tennessee Code Annotated, Section 68-11-1607(l), is amended by deleting the subsection and substituting the following:

(l) This part does not require a certificate of need:

(1) For a home care organization that is authorized to provide only professional support services as defined in § 68-11-201; or



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(2) To establish an organization limited to providing home care services under the federal Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), compiled in 42 U.S.C. § 7384 et seq.

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

House Facilities, Licensure, & Regulations Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2317

House Bill No. 1867*

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Time _____
Clerk _____
Comm. Amdt. _____

by deleting the language "primary care services" in § 63-1-502(1)(A) and substituting the language "medical care services".



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Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 55*

House Bill No. 781

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-243(a), is amended by inserting the following as a new subdivision:

() Professional art therapist advisory committee of the board of examiners in psychology, created by § 63-11-401;

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 11, is amended by adding the following language as a new part:

63-11-401.

(a) The practice of art therapy in this state is hereby declared to affect the public health, safety, and welfare of citizens of this state.

(b) To assist the board of examiners in psychology in the performance of its duties, there is established the professional art therapist advisory committee to protect the public from:

(1) The practice of art therapy by unqualified persons; and

(2) Unprofessional, unethical, and harmful conduct by art therapy practitioners.

(c) No person shall represent to be or function as a professional art therapist in this state unless the person holds a valid license issued by the advisory committee. The committee shall also regulate the practice of art therapy.

63-11-402. As used in this part:



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(1) "Advisory committee" means the professional art therapist advisory committee of the board of examiners in psychology, created by § 63-11-401;

(2) "Appraisal activities" means selecting, administering, scoring, and interpreting art therapy instruments that are used to understand, measure, or facilitate an individual's normal human growth and development. "Appraisal activities" does not include the use of projective techniques in the assessment of personality, nor the use of psychological or clinical tests designed to identify or classify abnormal or pathological human behavior, nor the use of individually administered intelligence tests;

(3) "Art therapy" means the integrated application of psychotherapeutic principles and methods with specialized training in visual art media, the neurobiological implications of art-making and the creative process, and art-based assessment models to assist individuals, families, or groups to improve mental functioning, increase self-awareness and self-esteem, resolve conflicts and distress, and enhance social functioning;

(4) "Art therapy certified supervisor" means a person credentialed by the Art Therapy Credentials Board, Inc., to provide supervised clinical experience for an associate art therapist;

(5) "Associate art therapist" means a person holding a master's or doctoral degree in art therapy while engaged in the practice of professional art therapy under supervision as part of clinical training to fulfill the supervised experience requirement for becoming a licensed professional art therapist;

(6) "Board" means the board of examiners in psychology, created by § 63-11-101;

(7) "Certified art therapist" means a person holding national board certification (ATR-BC) from the Art Therapy Credentials Board, Inc.;

(8) "Credentialed art therapist" means a person holding credentials in good standing with the Art Therapy Credentials Board, Inc., as a registered art therapist (ATR), certified art therapist (ATR-BC), or art therapy certified supervisor;

(9) "Licensed professional art therapist" means a person who is licensed to practice professional art therapy in this state;

(10) "Practice of professional art therapy" means rendering or offering to render to individuals, groups, organizations, or the general public any service as an independent or adjunctive therapist involving the application of art therapy principles, techniques, methods, or procedures. It includes, but is not limited to, therapeutic interventions to facilitate alternative modes of receptive and expressive communication, development of treatment plans, appraisal activities, consulting and referral activities, and prevention and treatment of mental and emotional conditions; and

(11) "Supervision" means the regular observation and oversight of the functions and activities of a graduate art therapy student as part of an internship or practicum experience, or an associate art therapist engaged in the practice of art therapy to fulfill the requirements for licensure under § 63-11-405.

63-11-403.

(a) The professional art therapist advisory committee of the board of examiners in psychology consists of three (3) members appointed by the governor. The advisory committee is authorized to issue licenses to persons who meet the requirements specified in this part, and to promulgate rules for the implementation of the part, including, but not limited to, the setting of fees and the establishment of disciplinary actions. The advisory committee shall maintain a list of all licensees, which shall be provided to any interested party on written request.

(b) Advisory committee members must be licensed professional art therapists and must be actively engaged in the practice or teaching of art therapy in this state at the time of their appointment, except that initial appointments to the advisory committee

made prior to the promulgation of rules to implement this part must be certified art therapists who are residents of this state and have engaged in the practice of art therapy for not less than five (5) years.

(c) The governor shall consult with interested art therapy groups, including, but not limited to, the Tennessee Art Therapy Association, to determine qualified persons for appointment as advisory committee members.

(d)

(1) Except as provided in subdivision (d)(2), the terms of the members of the advisory committee are three (3) years.

(2) In order to stagger the terms of the newly appointed advisory committee members, initial appointments are to be made as follows:

(A) One (1) person appointed pursuant to subsection (a) shall serve an initial term of one (1) year, which shall expire on June 30, 2022;

(B) One (1) person appointed pursuant to subsection (a) shall serve an initial term of two (2) years, which shall expire on June 30, 2023; and

(C) One (1) person appointed pursuant to subsection (a) shall serve an initial term of three (3) years, which shall expire on June 30, 2024.

(3)

(A) Following the expiration of members' initial terms as prescribed in subdivision (d)(2), all three-year terms shall begin on July 1 and terminate on June 30, three (3) years thereafter.

(B) In the event of a vacancy, the governor shall fill the vacancy for the unexpired term. Each member shall serve until a successor is duly appointed and qualified.

(C) Members are eligible for reappointment to the advisory committee following the expiration of their initial terms, but shall serve no more than two (2) consecutive three-year terms.

(e) All reimbursement for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter. Members of the advisory committee serve without compensation, but are entitled to receive necessary travel and other appropriate expenses while engaged in committee business.

(f) The advisory committee shall be provided administrative support by the division of health related boards in the department of health.

(g)

(1) The advisory committee shall meet at least twice a year and may hold additional meetings as the advisory committee may determine necessary to carry out its duties under this part.

(2) Any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year may be removed as a member of the advisory committee.

(3) The chair of the advisory committee shall promptly notify, or cause to be notified, the appointing authority of any member who is removed for failing to satisfy the attendance requirement as prescribed in subdivision (g)(2).

(h) The advisory committee shall elect a chair from among its members at the first meeting held each fiscal year.

(i) Any actions taken in accordance with this part are only effective after adoption by majority vote of the members of the advisory committee and after adoption by a majority vote of the members of the board at the next board meeting at which administrative matters are considered following the adoption by the advisory committee.

63-11-404.

(a) The advisory committee shall:

(1) Promulgate rules for the implementation of this part, including rules to establish:

(A) Requirements and procedures for licensure and licensure renewal for licensed professional art therapists and associate art therapists;

(B) Standards of practice, ethics, and professional responsibility to govern the conduct of persons licensed under this part;

(C) Standards and requirements for engaging in private outpatient independent practice of professional art therapy;

(D) Procedures for investigating reports of professional misconduct and unlawful acts by licensed professional art therapists; and

(E) Criteria and procedures for licensure by endorsement and reciprocity, waiver of examinations, and temporary licenses;

(2) Establish reasonable and necessary fees for licensure and licensure renewal that, in the aggregate, cover the cost of administering this part; and

(3) Maintain a list of persons holding licenses under this part, to be provided to any interested party upon written request.

(b) The advisory committee shall also:

(1) Review issues related to complaints and disciplinary actions involving licensed professional art therapists;

(2) Review the qualifications of licensure applications and issue licenses to individuals who meet the requirements for licensure under this part;

(3) Establish requirements for supervised clinical practice by associate art therapists engaged in the practice of professional art therapy to fulfill requirements for licensure under this part;

(4) Establish guidelines and criteria for continuing education for the renewal of licenses; and

(5) Perform additional duties and responsibilities as requested by the board.

(c) The rules promulgated by the advisory committee for the implementation of this part must:

(1) Provide for the requirements for licensure as set forth in § 63-11-405; and

(2) Take into consideration the standards of ethics and professional conduct of the Code of Ethics, Conduct and Disciplinary Procedures of the Art Therapy Credentials Board, Inc., and other national mental health organizations in effect on January 1, 2020.

63-11-405.

(a) Applicants for licensure as a licensed professional art therapist shall submit an application and fee to the advisory committee. The application must include evidence that the applicant meets the following requirements for licensure:

(1) The applicant has attained the age of majority;

(2) The applicant is of good moral character and conducts the applicant's professional activities in accordance with accepted professional and ethical standards;

(3) The applicant has not had a professional credential refused, revoked, suspended, or restricted and does not have a complaint, allegation, or investigation pending in any regulatory jurisdiction in the United States or in another country for unprofessional conduct, unless the advisory committee finds that the conduct has been corrected or that mitigating circumstances exist that prevent resolution;

(4) The applicant has:

(A) Received a master's degree or doctoral degree in art therapy from a program approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs at the time the degree was conferred, and has completed not less than one thousand (1,000) client contact hours of experience after the master's degree was conferred under the supervision of an art therapy certified supervisor, licensed professional art therapist, credentialed art therapist, or other licensed mental health professional approved by the advisory committee; provided, that at least one-half (1/2) of the required supervision hours must be provided by an art therapy certified supervisor, licensed professional art therapist, or certified art therapist; or

(B) Received a master's degree or doctoral degree from a college or university that was accredited by a national or regional accrediting organization recognized by the Council for Higher Education Accreditation in a program with a graduate-level course of study and clinical training that, as determined by the advisory committee, is equivalent to an approved or accredited program in art therapy, and has completed not less than one thousand five hundred (1,500) hours of client contact experience after the qualifying degree was conferred under the supervision of an art therapy certified supervisor, licensed professional art therapist, credentialed art therapist, or other licensed mental health professional approved by the advisory committee; provided, that at least one-half (1/2) of the required supervision hours must be provided by an art therapy certified supervisor, licensed professional art therapist, or certified art therapist; and

(5) The applicant has passed the board certification examination of the Art Therapy Credentials Board, Inc.

(b) A person holding a national credential in good standing as a certified art therapist is deemed to have met the requirements of this section upon submitting an application and fee and providing evidence satisfactory to the advisory committee that the applicant:

(1) Is of good moral character and conducts the applicant's professional activities in accordance with accepted professional and ethical standards; and

(2) Has not had a professional credential refused, revoked, suspended, or restricted and does not have a complaint, allegation, or investigation pending in any regulatory jurisdiction in the United States or in another country for unprofessional conduct, unless the advisory committee finds that the conduct has been corrected or that mitigating circumstances exist that prevent resolution.

63-11-406.

(a) The advisory committee may, at its discretion, grant a license to any person residing or employed in this state who is licensed by a similar entity in another state whose standards, as determined by the advisory committee, are not less stringent than the standards required by this part.

(b) The advisory committee may enter into a reciprocal agreement with another state or jurisdiction that licenses individuals engaged in the practice of professional art therapy, if the advisory committee determines that the other state has substantially similar or more stringent licensing requirements than this state.

63-11-407.

(a) A licensed professional art therapist license issued under this part is valid for twenty-four (24) months from the date of issuance.

(b) A licensee requesting renewal of a license shall provide the following to the advisory committee in advance of the expiration date of the license:

- (1) A completed application on a form provided by the advisory committee and payment of the fee set by the advisory committee; and
- (2) A certified or sworn statement to the advisory committee that the licensee:

- (A) Has completed at least forty (40) hours of continuing education prior to the expiration date of the license; and

- (B) Has not had a professional credential revoked, suspended, or restricted by the Art Therapy Credentials Board, Inc., and does not have a complaint, allegation, or investigation pending in this state or in any regulatory jurisdiction for unethical or unprofessional conduct.

(c) If a licensee fails to submit an application for license renewal and to pay any fee required by the advisory committee prior to the expiration date of the license, the license is automatically revoked by the advisory committee without further notice or hearing, unless renewal is completed and all fees are paid prior to the expiration of sixty (60) days from the date of the expiration of the license.

(d) A person whose license is automatically revoked under this section may apply in writing to the advisory committee for reinstatement of the license. Upon the showing of good cause by the person and submitting documentation that all continuing education requirements have been satisfied, the advisory committee may reinstate the license upon the payment of all fees set by the advisory committee.

(e) Applicants and licensees must notify the advisory committee of the following within thirty (30) days of their occurrence:

- (1) A change of name, address, or other vital information;

- (2) The filing of any criminal charge or civil action against the applicant or licensee;

(3) The initiation of any disciplinary charges, investigations, findings, or sanctions by a healthcare organization, federal or state agency, or other professional association against the applicant or licensee; and

(4) Any other change in information provided by the applicant or licensee to the committee.

63-11-408.

(a) No person shall use the title "licensed professional art therapist," "professional art therapist," or use any other title or abbreviation to indicate or imply that the person is licensed or qualified to practice professional art therapy in this state unless the person holds a license issued by the advisory committee under this part. This subsection (a) does not prohibit an associate art therapist from using the title "associate art therapist" in accordance with this part.

(b) No person shall practice professional art therapy unless the person is:

(1) Licensed by the advisory committee as a licensed professional art therapist;

(2) An associate art therapist, as long as the person uses the title of "associate art therapist" and does not represent themselves to the public as a licensed professional art therapist; or

(3) Exempt from licensure under § 63-11-410.

(c) Violation of this section is a Class B misdemeanor, punishable by a fine only, the suspension or revocation of a license issued under this part, or both a fine and loss of licensure.

63-11-409.

(a) A licensed professional art therapist may practice independently for and with organizations that include, but are not limited to, addiction and rehabilitation centers, art studios and centers, behavioral health hospitals and outpatient settings, cancer treatment centers, community centers, community services boards, correctional facilities,

disability services, eating disorder clinics, government agencies, medical hospitals and outpatient settings, military bases and veterans and family services, museums, nonprofits, nursing homes, physical rehabilitation, residential treatment centers, schools, senior living facilities, state programs, and wellness centers.

(b) Until the advisory committee promulgates rules to establish the requirements for private outpatient independent practice by a licensed professional art therapist, a licensed professional art therapist may only work in a private, outpatient independent setting if the patient is referred to the therapist by:

- (1) A physician licensed under chapter 6 or 9 of this title;
 - (2) A psychologist licensed under this chapter;
 - (3) A professional counselor licensed under chapter 22 of this title;
 - (4) A professional counselor designated as a mental health service provider under chapter 22 of this title;
 - (5) A marital and family therapist licensed under chapter 22 of this title;
 - (6) A pastoral counselor licensed under chapter 22 of this title;
 - (7) A licensed masters social worker licensed under chapter 23 of this title;
 - (8) A licensed clinical social worker licensed under chapter 23 of this title;
- or
- (9) Another advanced medical or mental health professional licensed under title 63, as determined by the board.

63-11-410.

(a) Nothing in this part:

- (1) Requires licensure or restricts the activities of a student enrolled in a graduate program in art therapy approved by the advisory committee while practicing art therapy under qualified supervision and as part of an approved course of study; or

(2) Prohibits or restricts the practice of persons authorized to practice under this title who perform services consistent with the scope of practice of their profession and within the scope of their training and competence; provided, that such persons do not represent themselves to the public as a professional art therapist or as holding a license issued under this part.

(b) Nothing in this part permits any method of treatment that involves the administration or prescription of drugs or the practice of medicine in this state or permits a person licensed as a professional art therapist to perform psychological testing.

(c) Subsection (b) does not prohibit a licensed professional art therapist from conducting appraisal activities. Consistent with each licensed professional art therapist's formal education and training, licensed professional art therapists may administer and utilize appropriate art therapy assessment instruments that measure or determine problems or dysfunctions within the context of human growth and development as part of the therapeutic process or in the development of a treatment plan.

63-11-411.

(a) The advisory committee may deny a person's application for a license, restrict, suspend, or revoke an existing license, or take other action that the advisory committee deems proper.

(b) The grounds upon which the advisory committee may exercise the powers enumerated in subsection (a) include, but are not limited to:

(1) Obtaining or attempting to obtain a license by making a false or misleading statement, failing to make a required statement, or engaging in fraud or deceit in any communication to the advisory committee;

(2) Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any criminal statute of this state, any provision of this chapter, a rule promulgated by the advisory committee, or any lawful order of the advisory committee issued pursuant to rules;

(3) Gross or repeated negligence, incompetence, misconduct, or malpractice in professional work including, but not limited to:

(A) Any physical or mental condition that currently impairs a licensee's competent professional performance or that poses a substantial risk to the recipient of art therapy services;

(B) Professional conduct that constitutes an extreme and unjustified deviation from the customary standard of practice accepted in the professional practice of art therapy;

(C) Abandonment of a service recipient resulting in the termination of imminently needed care without adequate notice or provision for transition;

(D) Professional record keeping or data collection that constitutes an extreme and unjustified deviation from the customary standard of practice for the field, or deceptively altering a service recipient's records or data; and

(E) Unauthorized disclosure of confidential client information, including, but not limited to, client records, art work, and artistic expressions; and

(4) Any other action deemed to be grounds for disciplinary action under § 63-11-215.

(c) All proceedings for disciplinary action against a licensee under this part must be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. For purposes of promulgating rules, appointing the advisory committee, and issuing licenses, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2021, the public welfare requiring it.

Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 2034

House Bill No. 2085*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1.

(a) The board of medical examiners shall study the potential effects of the federal centers for medicare and medicaid services' Healthy Adult Opportunity on providers in this state that are subject to the board's authority. The purpose of the study is to identify any advantages or disadvantages that participating in the Health Adult Opportunity may have for providers in this state who are subject to the board's authority. The study must include, but is not limited to, an examination of the following:

- (1) A review of the TennCare demonstration waiver;
- (2) Any potential advantages or disadvantages from the incorporation of the Healthy Adult Opportunity in this state;
- (3) Guidance from the federal centers for medicare and medicaid services; and
- (4) Other information the board of medical examiners deems relevant to the purpose of the study.

(b) The board of medical examiners may request assistance from the department of health and other state agencies in conducting the study. All state agencies shall, upon request of the board of medical examiners, assist the board of medical examiners in conducting the study.

(c) The board of medical examiners shall report its findings and any recommendations to the chairs of the health and welfare committee of the senate and the health committee of the house of representatives no later than December 31, 2020.



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

Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 2017*

House Bill No. 2283

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 63-5-108(f), is amended by deleting the subsection and substituting the following:

(f)

(1) Except as provided in subdivision (f)(2), a licensed dentist shall not allow, under general supervision, more than three (3) dental hygienists to work at any one (1) time.

(2) A dentist may supervise no more than ten (10) dental hygienists while the dentist and each hygienist is providing dental services on a volunteer basis through a nonprofit provider of free mobile clinics in this state.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1833*

House Bill No. 2714

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-5-103(d)(1), is amended by deleting the subdivision and substituting instead the following:

The governor shall make appointments to the board not later than one (1) month after the expiration of the term of office of any member, and such or further delay in the appointment must be deducted from the term of the appointment. All vacancies occurring on the board by death or resignation must be filled by the governor for the unexpired term from lists submitted to the governor as provided in this section. If the vacancy is not filled within thirty (30) days by the governor, the board shall fill the vacancy for the unexpired term. A person is not eligible for appointment to the board if the person is employed by or with a dental supply business or dental laboratory.

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



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Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 1894*

House Bill No. 2726

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-218, is amended by deleting the section and substituting the following:

(a) The chief administrative official of each hospital or other facility shall report to the respective licensing board, committee, council, or agency the following:

(1) Any disciplinary action taken concerning any person licensed under title 63 or this title, when the action is related to professional ethics, professional incompetence, negligence, moral turpitude, or drug or alcohol abuse; and

(2) Any information that the chief administrative official reasonably believes indicates that a person licensed under title 63 or this title:

- (A) Inappropriately prescribed a controlled substance;
- (B) Diverted a controlled substance;
- (C) Engaged in sexual activity with a patient;
- (D) Has a mental or physical impairment that prevents the person from safely practicing the licensed profession;
- (E) Acted with incompetence; or
- (F) Engaged in unethical or unprofessional conduct.

(b) A report to a licensing board, committee, council, or agency made pursuant to subsection (a) must be in writing and must be made within sixty (60) days of:

- (1) The date of a disciplinary action described in subdivision (a)(1); or
- (2) The date the chief administrative official first obtains the information described in subdivision (a)(2).



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(c) For purposes of this section, "disciplinary action" includes termination, suspension, reduction, or resignation of hospital privileges for any of the reasons listed in subsection (a).

(d) Notwithstanding § 63-1-150, § 63-6-228, or any other provision to the contrary, the hospital or facility shall make available to the respective licensing board, committee, council, or agency, for examination all records pertaining to a disciplinary action described in subdivision (a)(1) or information described in subdivision (a)(2).

(e) Any individual who, as a member of any committee, an employee, or a contractor of any hospital or facility, files a report pursuant to this section, is immune from liability to the extent provided in § 63-1-150.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to disciplinary actions taken or information first received on or after the effective date of this act.