

HOUSE BILL 2979

By Dennis

AN ACT to amend Tennessee Code Annotated, Section
29-26-121, relative to medical malpractice claims.

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

SECTION 1. Tennessee Code Annotated, Section 29-26-121(a)(2)(E), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(E) A properly executed HIPAA-compliant medical authorization, without limitation as to health care providers or dates of health care services, that provides:

(i) The health care provider, receiving notice of the potential medical malpractice claim, may obtain complete medical records of the patient, whose health care services are at issue, from other health care providers on notice of the claim and any health care provider maintaining health care records of the patient; and

(ii) The attorney, representing the health care provider, is authorized to receive protected information, including, but not limited to, mental health and drug and alcohol abuse treatment records, to aid in the evaluation and defense of the potential claim or any health care liability action involving the patient whose health care services are at issue. This authorization shall also include the attorney's right to interview, outside the presence of the claimant or the claimant's counsel, the patient's treating health care providers.

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