

SENATE BILL 3739

By Herron

AN ACT to amend Tennessee Code Annotated, Title 56;  
Title 63 and Title 68, relative to electronic medical  
records.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 2, is amended by adding the following as a new section:

63-2-103.

(a) On and after January 1, 2013, a vendor of electronic medical record services shall not enter into or renew any contract or agreement with any health care provider that requires the holding harmless or the indemnification of the vendor by any such provider for any liability for any electronic medical record services which the vendor provides due to any claim arising out of, caused by, or resulting from the vendor's services or which prohibits an action against a vendor by a provider in a court of competent jurisdiction in this state.

(b) The commissioner of health is authorized to promulgate rules to implement the provisions of this section in accordance with the Uniform Administrative Procedures Act compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 3, is amended by adding the following as a new section:

68-11-314.

(a) On and after January 1, 2013, a vendor of electronic medical record services shall not enter into or renew any contract or agreement with any entity regulated under this chapter that requires the holding harmless or the indemnification of the vendor by any such entity for any liability for any electronic medical record services which the

vendor provides due to any claim arising out of, caused by, or resulting from the vendor's services or which prohibits an action by such entity against a vendor in a court of competent jurisdiction in this state.

(b) The board of licensing health care facilities is authorized to promulgate rules to implement the provisions of this section in accordance with the Uniform Administrative Procedures Act compiled in title 4, chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.