

HOUSE BILL 1881

By Dennis

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 26, Part 1 and Title 29, Chapter 28, Part 1, relative to evidence in certain health care liability and products liability actions.

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 26, Part 1, is amended by adding the following as a new section:

29-26-123.

(a) As used in this section:

(1) "Criteria" means criteria relating to administrative procedures and shall not include criteria relating to medical treatment, quality of care, or best practices;

(2) "Guideline" means a guideline relating to administrative procedures and shall not include guidelines relating to medical treatment, quality of care, or best practices;

(3) "Payor" means any insurer, health maintenance organization, self-insurance plan, or other person or entity which provides, offers to provide, or administers hospital outpatient, medical, or other health care benefits to persons treated by a health care provider in this state pursuant to any policy plan or contract of accident and health insurance as defined in § 56-2-201; and

(4) "Standard" means a standard relating to administrative procedures and shall not include standards relating to medical treatment, quality of care, or best practices.

(b) The development, recognition, or implementation of any guideline by any public or private payor or the establishment of any payment standard or reimbursement

criteria under any federal laws or regulations related to health care shall not be construed, without competent expert testimony establishing the appropriate standard of care, to establish a legal basis for negligence or the standard of care or duty of care owed by a health care provider to a patient in any health care liability action. Nor shall compliance with such a guideline, standard, or criteria establish a health care provider's compliance with the standard of care or duty of care owed by a health care provider to a patient in any health care liability action without competent expert testimony establishing the appropriate standard of care.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.