

SENATE BILL 1223

By Bell

AN ACT to amend Tennessee Code Annotated, Title 63,
relative to telehealth.

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

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

(a) For the purposes of this section:

(1) "Healthcare provider" means any provider licensed under this title who is authorized to diagnose and treat humans; and

(2) "Telehealth," or "telemedicine," means, notwithstanding any restriction imposed by § 56-7-1002, the use of real-time audio, video, or other electronic media and telecommunications technologies that enable interaction between the healthcare provider and the patient, or also store-and-forward telemedicine services, as defined by § 56-7-1002(a), for the purpose of diagnosis, consultation, or treatment of a patient in another location where there may be no in-person exchange.

(b) For the purposes of this section, a healthcare provider-patient relationship with respect to telemedicine or telehealth is created by mutual consent. The consent by the patient may be expressed or implied consent. The duties and obligations created by the relationship do not arise until the healthcare provider:

- (1) Affirmatively undertakes to diagnose and treat the patient; or
- (2) Affirmatively participates in the diagnosis and treatment.

(c)

(1) A healthcare provider who delivers services through the use of telehealth shall be held to the same standard of professional practice as a similar licensee of the same practice area or specialty who is providing the same healthcare services through in-person encounters.

(2) The board or licensing entity governing any healthcare provider covered by this section shall not establish a more restrictive standard of professional practice for the practice of telehealth than that specifically authorized by the provider's practice act or other specifically applicable statute, including this chapter or title 53, chapter 10 or 11.

(d) Section 63-6-231 shall not apply to the practice of telemedicine under this section.

(e) This section shall not apply to or restrict the requirements of § 63-6-241.

(f)

(1) This section shall not apply to a physician licensed in another state when that physician is called in consultation by a licensed physician of this state.

(2) This section shall not apply to the informal practice of medicine in the form of uncompensated consultations with regard to the frequency of the consultations.

(g)

(1) Except as provided in subdivision (g)(2), to practice under this section a healthcare provider shall be licensed to practice in this state under this title.

(2) A physician shall be licensed to practice under chapter 6 or 9 of this title in order to practice telemedicine pursuant to § 63-6-209(b), except as otherwise authorized by law or rule.

(h) A physician practicing under chapter 6 or 9 of this title may prescribe by means of telemedicine as otherwise authorized by law; provided, that with respect to prescribing controlled substances, a physician practicing telemedicine shall comply with

part 3 of this chapter and with the guidelines issued pursuant to part 4 of this chapter. A physician practicing telemedicine shall comply with the requirements of title 53, chapter 10, part 3, regarding the controlled substance database.

SECTION 2. Tennessee Code Annotated, Section 63-6-209(b), is amended by deleting the second sentence of the subsection and substituting instead the following:

In addition to the authority granted the board in § 63-6-214, the board has the authority to issue and shall continue to offer to issue restricted licenses and special licenses based upon licensure to another state for the limited purpose of authorizing the practice of telemedicine to current applicants or current licensees, or both, as it deems necessary, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it.