

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1067 – SB 1309

May 9, 2017

**SUMMARY OF ORIGINAL BILL:** Authorizes the Department of Health (DOH), acting through the Chief Medical Officer of the DOH, or the designee of the Commissioner of the DOH, to issue an emergency order suspending or restricting the license of a healthcare practitioner who tests positive for any drug on any government or private sector preemployment or employer-ordered confirmed drug test for a covered employer when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug. Allows the practitioner 48 hours from the time of notification to the practitioner of the confirmed test result to produce a lawful prescription for the drug before an emergency order is issued.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$4,600/One-Time/Division of Health Related Boards  
\$93,900/Recurring/Division of Health Related Boards

**SUMMARY OF AMENDMENT (008758):** Deletes all language after the enacting clause. Declares that a healthcare practitioner violates the practitioner's practice act by refusing to submit to a drug test or testing positive for any drug on any government or private sector preemployment or employer-ordered confirmed drug test for an employer when the practitioner does not have a lawful prescription for using the drug or a valid medical reason for using the drug. Requires a practitioner who refuses to submit to a drug test or tests positive for any drug to produce a lawful prescription for the drug or a valid medical reason for using the drug to the employer, or to report to the substance abuse peer assistance or treatment program of the appropriate board for the practitioner within three business days from the time of notification to the practitioner of the confirmed test result. Authorizes the Department of Health to take emergency action without prior approval of the Attorney General and Reporter if the healthcare practitioner does not comply with the terms and conditions of the substance abuse peer assistance or treatment program of the appropriate board for the practitioner.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

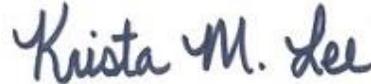
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Assumptions for the bill as amended:

- The Department of Health (DOH) and Division of Health Related Boards can accommodate the proposed legislation within existing resources without an increased appropriation or reduced reversion.
- Currently the DOH has to seek approval from the Attorney General's office for a summary suspension. If the suspension is not approved, then the DOH has to follow procedures pursuant to Tenn. Code Ann. § 4-5-320, which includes sending advance notice to the respondent. The process is extensive and can often take months.
- The proposed legislation authorizes the appropriate health related board to issue an emergency order suspending the license, certificate, permit, or authorization of a healthcare professional who does not comply with the terms and conditions of a substance abuse peer assistance or treatment program. Streamlining the process will not result in a significant increase in licenses being suspended or restricted; therefore, any fiscal impact is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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