

Amendment No. 1 to SB2233

Crowe
Signature of Sponsor

AMEND Senate Bill No. 2233*

House Bill No. 2827

by deleting all language after the enacting clause and substituting instead the following:

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

(a) As used in this section:

(1) "Healthcare prescriber" means an individual licensed under this title and authorized to prescribe medications;

(2) "Minor" means a person who is less than eighteen (18) years of age; and

(3) "Prepubertal minor" means a minor in Tanner stage 1 development.

(b) Standard medical practice does not involve prescribing hormone treatment for gender dysphoric or gender incongruent prepubertal minors. Except as provided in subsection (c), a healthcare prescriber shall not prescribe a course of treatment that involves hormone treatment for gender dysphoric or gender incongruent prepubertal minors.

(c) A healthcare prescriber may prescribe a course of treatment that involves hormone treatments for prepubertal minors for diagnoses of growth deficiencies or other diagnoses unrelated to gender dysphoria or gender incongruency.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following as new sections:

68-1-141.

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(a) The department of health shall create a task force composed of five (5) members that includes one (1) member of the board of medical examiners, one (1) member of the board of professional counselors, marital and family therapists and clinical pastoral therapists, one (1) member of the board of psychology, one (1) member of the board of nursing, and one (1) member identified as a patient advocate who is licensed to practice under a board represented on the task force and approved by the commissioner of health, to examine and consider a uniform standard for licensed healthcare professionals practicing endocrine treatment for gender dysphoric or gender incongruent minors who are not prepubertal minors. Any standard, if adopted through rulemaking, must incorporate the most recent edition of the Endocrine Society's clinical practice guidelines for endocrine treatment of gender dysphoric or gender incongruent minors and establish, at a minimum, the following criteria:

(1) Nationally developed best practices;

(2) Treatment must be done by a multidisciplinary team that includes a pediatric endocrinologist, adolescent medicine physician, or other specifically trained physician in consultation with licensed mental health professionals having an appropriate amount of continuing education training as determined by the task force;

(3) An endocrinologist who does not solely treat minors can provide treatment as part of the multidisciplinary team described in subdivision (a)(2);

(4) Any treatment must be conducted over a period of time to ensure that the minor receives proper care;

(5) Treatment must include mental health assessments for the minor throughout the period of treatment, and should involve the parents. Parents and minors must be offered options for receiving mental health services after the treatment period has ended; and

(6) Treatment of gender dysphoric or gender incongruent prepubertal minors must be done through a referral system to the multidisciplinary team to ensure appropriate care.

(b) Any uniform standard adopted by the task force pursuant to subsection (a) is binding on each board represented on the task force.

(c) The task force may establish the uniform standard pursuant to subsection (a) by emergency rule in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The secretary of state shall codify and publish in each of the chapters for the boards involved on the task force pursuant to subsection (a) the uniform standard established by rule by the task force.

(d)

(1) Each board involved on the task force pursuant to subsection (a) shall select and appoint by majority vote one (1) member of the respective board to serve on the task force by July 1, 2020.

(2) The task force shall select and appoint a member to serve as chair of the task force.

(3) A majority of the task force constitutes a quorum, and a majority vote of the task force members is required for any action.

(4) Notwithstanding any provision of the Uniform Administrative Procedures Act to the contrary, the task force shall hear public comment,

including from specialized healthcare providers, at any required hearing on behalf of all boards involved on the task force pursuant to subsection (a) when a hearing is required.

(e) The task force shall conclude its review by February 1, 2021.

(f) If the task force determines that establishing a uniform standard is appropriate, the department of health shall have the task force regularly meet to review new research and medical science literature surrounding the practice of endocrine treatment for gender dysphoric or gender incongruent minors and whether the uniform standard developed pursuant to this section should be amended.

68-1-142.

(a)

(1) The following health related boards shall promulgate rules to implement any uniform standard established under § 68-1-141(a) relating to the practice of endocrine treatment for gender dysphoric or gender incongruent minors who are not prepubescent:

(A) Board of examiners in psychology, created by § 63-11-101;

(B) Board of medical examiners, created by § 63-6-101;

(C) Board of nursing, created by § 63-7-201; and

(D) Board for professional counselors, marital and family therapists, and clinical pastoral therapists, created by § 63-22-101.

(2) No such rules may be filed with the secretary of state without the prior approval of the task force, which may reject a rule upon a majority vote.

(b)

(1) If a rule promulgated in accordance with subsection (a) is rejected by the task force, then the board must repromulgate and resubmit the rule to the

task force for approval, and the task force must explain in writing to the board the reason for the disapproval.

(2) All rules submitted to the task force must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The division of state audit may conduct its review of the task force created under § 68-1-141 as part of the performance audit conducted on the department of health.

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