

HOUSE BILL 535

By Whitson

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 11, relative to teaching hospitals.

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

SECTION 1. Tennessee Code Annotated, Section 68-11-205(d), is amended by deleting the subsection and substituting the following:

(d) A teaching institution shall not be held vicariously liable for any act or omission of an intern, resident, or fellow, regardless of the individual's official title, in the course of a training program of a medical school owned or operated by the state of Tennessee, under a legal theory of implied or apparent agency, ostensible agency, or any other theory of vicarious liability except actual agency. In determining whether the intern, resident, or fellow was an actual agent of the teaching institution, the fact that the intern, resident, or fellow was in the teaching institution and providing treatment or services or otherwise caring for patients and was following the institution's bylaws, rules and regulations, policies, procedures, and protocols is insufficient, standing alone, to prove that the intern, resident, or fellow was acting as the institution's actual agent.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.