



HB 1980 - SB 1938

June 1, 2020

SUMMARY OF ORIGINAL BILL: Requires the Department of Health (DOH) to make available for free on its website the currently developed and published guidance that assists prescribers of opioids in complying with disclosure requirements when prescribing more than a three-day supply of an opioid or an opioid dosage that exceeds a total of a 180 morphine milligram equivalent dose to a woman of childbearing age.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017857): Deletes all language after the enacting clause. Allows a registered nurse or physician assistant to prescribe a buprenorphine product for use in recovery or medication-assisted treatment if:

- 1) The provider works in a nonresidential office-based opiate treatment facility, as defined in Tenn. Code Ann. § 33-2-402, that is licensed by the Department of Mental Health and Substance Abuse Services (DMHSAS) and that does not have authority to dispense buprenorphine products;
- 2) The provider practices under the direct supervision of a physician who is licensed under Title 63, Chapter 6 or Chapter 9; holds an active Drug Addiction Treatment Act of 2000 (DATA 2000) waiver from the United States Drug Enforcement Administration (DEA); and is actively treating patients with buprenorphine products for recovery or medication-assisted treatment at the same nonresidential office-based opiate treatment facility as the provider;
- 3) The facility and its healthcare providers are contracted and credentialed with TennCare and TennCare's managed care organizations (MCO) to treat opioid use disorder with buprenorphine products for use in recovery or medication-assisted treatment;
- 4) The facility or its healthcare providers are directly billing TennCare and TennCare's MCOs for the services provided within the facility;
- 5) The facility or its healthcare providers are accepting new TennCare enrollees or patients for treatment of opiate addiction;
- 6) The provider does not write any prescription for a buprenorphine product that exceeds a 16 milligram daily equivalent;
- 7) Except as provided in Tenn. Code Ann. § 53-11-311(h)(2)(H), the provider does not prescribe or dispense a mono product or buprenorphine without naloxone;
- 8) The provider uses injectable or implantable buprenorphine formulations in accordance with Tenn. Code Ann. §55-11-311(b)(1)(D);
- 9) The provider has practiced as a family, adult, or psychiatric nurse practitioner or physician assistant in this state;

- 10) The provider obtains a waiver registration from the United States DEA that authorizes the provider to prescribe buprenorphine products under federal law and regulations;
- 11) The provider prescribes buprenorphine products only to patients who are treated through a nonresidential office-based opiate treatment facility that employs or contracts with the provider;
- 12) The provider writes prescriptions of buprenorphine products that can only be dispensed by a licensed pharmacy to ensure entry into the controlled substance monitoring database;
- 13) The provider writes prescriptions of buprenorphine products to 100 or fewer patients at any given time;
- 14) The physician does not oversee more than two providers licensed under Title 63, Chapter 7 or 19 at one time during clinical operations when providing direct supervision; and
- 15) The supervising physician ensures all rules or operation for a nonresidential office-based opiate treatment facility are followed.

Requires a healthcare prescriber of a buprenorphine product for use in recovery or medication-assisted treatment, or a nonresidential office-based opiate treatment facility to only accept a check, money order, or debit card or credit card that is linked to a bank or credit card account from a financial institution, in payment for services provided by the healthcare prescriber or facility. Allows the healthcare prescriber or facility to accept payment for services provided to a patient in cash for a co-pay, coinsurance, or deductible if the prescriber or facility submits the remainder of the bill for the services provided to the patient's insurance plan for reimbursement.

Prohibits a healthcare provider licensed under Title 63, Chapters 6, 7, 9, or 19 from being compensated or receiving payment for services related to buprenorphine treatment by which the provider receives an amount per patient that is treated within the office or other setting; or by any means in which the provider receives a percentage of a payment that is directly received by a patient to the office, nonresidential office-based opiate treatment facility or other provider.

Prohibits a healthcare provider licensed under Title 63 or a nonresidential office-based opiate treatment facility from knowingly treating any TennCare enrollee with buprenorphine products for use in recovery or medication-assisted treatment unless that provider directly bills or seeks reimbursement from TennCare or TennCare's MCOs for services provided to the TennCare enrollee. Requires a person to disclose to the healthcare provider or nonresidential office-based opiate treatment facility that the person is a TennCare enrollee seeking treatment with buprenorphine products for use in recovery or medication-assisted treatment.

Effective date of August 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- The proposed legislation will not significantly impact any programs or policies of the DOH, the DMHSAS, or the Division of TennCare; 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.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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