

SENATE BILL 2051  
By Holcomb

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 29, Part 1, relative to the Tennessee Medical Laboratory Act.

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

SECTION 1. Tennessee Code Annotated, Section 68-29-103, is amended by adding the following new items to be appropriately designated:

( ) "Analytic testing" means that phase of medical laboratory testing, as defined by the board, which can impact the reliability of the results reported;

( ) "Collection station" means any place in which samples are collected from the human body for referral to a medical laboratory where testing is performed;

( ) "Point of care laboratory testing" means those tests performed by health care professionals, not licensed by the Medical Laboratory Act, upon approval by the board, provided that the testing is performed outside the duly licensed laboratory, and under the auspices of a laboratory required to be licensed by the department of health, division of health care facilities, pursuant to Title 68, Chapter 29, Part 1;

( ) "Waived" means those laboratory tests, as defined by the board, which may be performed by individuals not licensed under the Medical Laboratory Act, and which pose no reasonable risk of harm if performed incorrectly;

SECTION 2. Tennessee Code Annotated, Section 68-29-103, is further amended by deleting the existing item (14) in its entirety and by substituting instead the following:

( ) “Medical laboratory trainee” is a person enrolled in a program accredited by an accrediting agency accepted by the board; or who, in a limited laboratory specialty(ies) for which there is no accredited program available, works and trains under the supervision of a director, supervisor, or technologist qualified in the specialty(ies). A trainee may perform procedures only under direct and responsible supervision of a duly licensed director, supervisor, or technologist, but may not report test results;

SECTION 3. Tennessee Code Annotated, Section 68-29-104, is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

A laboratory operated by a duly licensed physician or optometrist for the sole purpose of testing samples collected from their own patients; provided, however, if samples for testing are received from other sources, all of the provisions of this chapter shall apply.

SECTION 4. Tennessee Code Annotated, Section 68-29-104, is further amended by adding the following new subdivisions thereto:

(7) Laboratories under the jurisdiction of county health departments in the state of Tennessee and other such laboratories as defined by the board, provided that such laboratories have a training and quality assurance program approved by the board;

(8) Laboratories operated for the sole purpose of providing medical services in student health programs as approved by the board;

(9) Laboratories operated for the sole purpose of providing medical services to support employees in the workplace environment (in an occupational health program) as approved by the board;

SECTION 5. Tennessee Code Annotated, Section 68-29-105, is amended by adding the following new items to be appropriately designated:

( ) The definition and performance of waived tests;

( ) The establishment of standards for licensed health care facilities to perform point of care testing;

SECTION 6. Tennessee Code Annotated, Section 68-29-118(a), is amended by adding the language and punctuation “, to include generalists, specialty and subspecialty categories as dictated by current laboratory practices,” after the words “medical laboratory personnel” and before the words “and special analysts”.

SECTION 7. Tennessee Code Annotated, Section 68-29-118, is amended by adding a new subsection thereto, as follows:

(c) Persons who perform analytic testing or report the results of an examination shall be under the supervision of a licensed medical laboratory director, medical laboratory supervisor, or medical laboratory technologist, or other person so designated by the rules and regulations promulgated under the authority of this chapter and Title 4, Chapter 5.

SECTION 8. Tennessee Code Annotated, Section 68-29-122, is amended by deleting such section in its entirety and by substituting instead the following:

(a) The medical laboratory receiving human specimens for testing is responsible for establishment of the procedures and standards to be used for the proper collection, handling and preanalytic processing of laboratory samples.

(b) When blood is withdrawn from a patient in a home for the aged, nursing home residential hospice, or recuperation center, or from a patient of a home care organization as these terms are defined in Section 68-11-201, the procedure must be performed by a trained phlebotomist, or a person who has been properly trained to draw blood and has been licensed in this state by the appropriate board for the respective health care profession of such person.

(c) Collection stations owned and operated as part of a laboratory licensed in Tennessee do not require an additional license. Collection stations owned and operated by laboratories in other states are required to have a Tennessee license. Collection stations shall comply with rules and regulations prescribed by the board.

SECTION 9. Tennessee Code Annotated, Section 68-29-109(a), is amended by deleting the word and figure “eleven (11)” and by substituting instead the word and figure “thirteen (13)”.

SECTION 10. Tennessee Code Annotated, Section 68-29-109(c), is amended by adding the following new items thereto:

( ) A licensed cytotechnologist (July 1, 1996);

( ) A private citizen consumer to represent the public interest (July 1, 1996);

SECTION 11. Tennessee Code Annotated, Section 68-29-109(l), is amended in the first sentence by adding the language and punctuation “, the one (1) cytotechnologist member,” after the words “medical technologist members” and before the words “and the one (1) pathologist educator”.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

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