



State of Tennessee

PUBLIC CHAPTER NO. 261

HOUSE BILL NO. 699

By Representatives Cameron Sexton, Terry, Ragan, Carr, Gravitt, Weaver, Moody, Littleton, Carter, Powers, Byrd, Reedy, Forgy, Keisling, Hazlewood, Wilburn, Lamberth, Daniel, Rogers, Ramsey, Camper, Hardway, Fitzhugh, Butt, Powell, Kane, Parkinson, McManus, Akbari

Substituted for: Senate Bill No. 1223

By Senators Bell, Green, Overbey, Gardenhire, Haile, Stevens, Yager

AN ACT to amend Tennessee Code Annotated, Title 63, relative to telehealth.

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

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

(a) For the purposes of this section:

(1) "Healthcare provider" means:

(A) Any provider licensed under this title who is authorized to diagnose and treat humans; or

(B) Any state-contracted crisis service provider employed by a facility licensed under title 33; and

(2) "Telehealth," or "telemedicine," means, notwithstanding any restriction imposed by § 56-7-1002, the use of real-time audio, video, or other electronic media and telecommunications technologies that enable interaction between the healthcare provider and the patient, or also store-and-forward telemedicine services, as defined by § 56-7-1002(a), for the purpose of diagnosis, consultation, or treatment of a patient in another location where there may be no in-person exchange.

(b) For the purposes of this section, a healthcare provider-patient relationship with respect to telemedicine or telehealth is created by mutual consent and mutual communication, except in an emergency, between the patient and the provider. The consent by the patient may be expressed or implied consent; however, the provider-patient relationship is not created simply by the receipt of patient health information by a provider unless a prior provider-patient relationship exists. The duties and obligations created by the relationship do not arise until the healthcare provider:

(1) Affirmatively undertakes to diagnose and treat the patient; or

(2) Affirmatively participates in the diagnosis and treatment.

(c)

(1) A healthcare provider who delivers services through the use of telehealth shall be held to the same standard of professional practice as a similar licensee of the same practice area or specialty that is providing the same healthcare services through in-person encounters, and nothing in this section is intended to create any new standards of care. Notwithstanding the previous sentence, telehealth services shall be provided in compliance with the guidelines created pursuant to part 4 of this chapter.

(2) The board or licensing entity governing any healthcare provider covered by this section shall not establish a more restrictive standard of professional practice for the practice of telehealth than that specifically authorized by the provider's practice act or other specifically applicable statute, including this chapter or title 53, chapter 10 or 11.

(3) This section shall not apply to pain management clinics, as defined in § 63-1-301, and chronic nonmalignant pain treatment.

(d) Sections 63-6-231 and 63-6-214(b)(21) shall not apply to the practice of telemedicine under this section.

(e) This section shall not apply to or restrict the requirements of § 63-6-241.

(f) The provisions of § 63-6-204(a) shall also apply to telemedicine.

(g)

(1) Except as provided in subdivision (g)(2), to practice under this section a healthcare provider shall be licensed to practice in this state under this title.

(2) A physician shall be licensed to practice under chapter 6 or 9 of this title in order to practice telemedicine pursuant to § 63-6-209(b), except as otherwise authorized by law or rule.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.

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PASSED: April 9, 2015

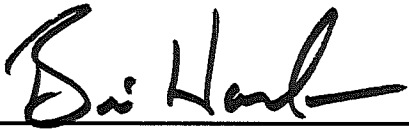


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 24th day of April 2015



BILL HASLAM, GOVERNOR