

Many of you are probably aware that SB0672 proposed an amendment to Title 33 which passed and is going into effect July 1, 2023. Please find a summary of those changes below. As a result of these changes, revisions were made to the Certificate of Need (CON) used to admit an individual on an emergency, involuntary basis pursuant to Title 33, Part 4 (new CON attached).

What changed?

The new language will allow a qualified advanced practice provider to complete the second CON for emergency admission and treatment when the first CON was completed by a physician. A qualified advanced practice provider is specifically defined as an individual working in collaboration with a licensed physician who is a:

- (1) Licensed advanced practice nurse with a current certification from a national certifying organization as a psychiatric-mental health advanced practice nurse; or
- (2) Physician assistant with a current certification from a national certifying organization as having additional qualifications in psychiatry.

Additionally, it will allow an individual to be involuntarily admitted on an emergency basis with only one CON if that CON was completed by a board-certified, licensed psychiatrist as long as that psychiatrist does not have a familial or legal relationship to the patient, an ownership interest in the admitting facility, or is employed by or contracts with the admitting facility. This provision does not apply to any state owned and operated or state contracted psychiatric inpatient facilities.

What does this mean?

If a first CON for an emergency involuntary admission under Part 4 is received from a Mandatory Prescreening Agent (MPA), a physician will still be required to complete the second CON. However, if the first CON was completed by a physician, the second CON may be completed by a qualified psychiatric advanced practice nurse or psychiatric physician assistant.

For private facilities that are not contracted with the state for inpatient services, your agency may choose to allow an emergency involuntary admission without requiring a second CON only if the first CON was completed by a board-certified psychiatrist with no familial or legal relationship to the patient, an ownership interest in the admitting facility, or is employed by or contracts with the admitting facility.

The Regional Mental Health Institutes (RMHIs) and private state contracted facilities will still operate under a two CON process. For referrals to an RMHI or state contracted inpatient facility, Title 33 still requires an MPA or (when an MPA is unavailable within 2 hours) a physician or psychologist with health service provider designation that has consulted with a crisis team to complete the first CON. If a CON is received by an RMHI or state contracted psychiatric inpatient facility that has checked the single CON checkbox, the referring entity will be contacted to request a CON that checks one of the first two boxes instead.

If you have additional questions about these changes you may contact Jennifer Armstrong at Jennifer.Armstrong@tn.gov.