



State of Tennessee

PUBLIC CHAPTER NO. 766

SENATE BILL NO. 2027

By Briggs, Yarbrow

Substituted for: House Bill No. 2006

By Kumar, Miller, Butt, Byrd, Hardaway, Weaver, Dunn, Harry Brooks

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 11; Title 63, Chapter 5; Title 63, Chapter 6; Title 63, Chapter 8 and Title 63, Chapter 9, relative to the employment of certain healthcare providers by charitable clinics.

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

SECTION 1. Tennessee Code Annotated, Section 63-5-121, is amended by adding the following as a new subsection:

(c)(1) Nothing in this section shall be construed to prohibit a charitable clinic from employing or contracting with a dentist; provided, that the contractual relationship between the dentist and the charitable clinic is evidenced by a written contract, job description, or documentation, containing language that does not restrict the dentist from exercising independent professional judgment in diagnosing and treating patients.

(2) For the purposes of this subsection (c), the term "charitable clinic" means an entity that meets the following standards:

(A) Has received a determination of exemption from the internal revenue service under 26 U.S.C. § 501(c)(3) or is a distinct part of an entity that has received such a determination of exemption;

(B) Has clinical facilities located in this state;

(C) Has a primary mission to provide health care or dental care services to low-income, uninsured, or underserved individuals;

(D) Provides one or more of the following services for free or at a discounted rate:

(i) Medical care;

(ii) Dental care;

(iii) Mental health care; or

(iv) Prescription medications;

(E) Utilizes volunteer healthcare professionals and nonclinical volunteers; and

(F) Is not required to be licensed under § 68-11-202(a)(1).

SECTION 2. Tennessee Code Annotated, Section 63-6-204, is amended by adding the following as a new subsection:

(j)(1) Nothing in this section shall be construed to prohibit a charitable clinic from employing or contracting with a physician; provided, that the contractual relationship

between the physician and the charitable clinic is evidenced by a written contract, job description, or documentation, containing language that does not restrict the physician from exercising independent professional medical judgment in diagnosing and treating patients.

(2) For the purposes of this subsection (j), the term "charitable clinic" means an entity that meets the following standards:

(A) Has received a determination of exemption from the internal revenue service under 26 U.S.C. § 501(c)(3) or is a distinct part of an entity that has received such a determination of exemption;

(B) Has clinical facilities located in this state;

(C) Has a primary mission to provide health care or dental care services to low-income, uninsured, or underserved individuals;

(D) Provides one or more of the following services for free or at a discounted rate:

(i) Medical care;

(ii) Dental care;

(iii) Mental health care; or

(iv) Prescription medications;

(E) Utilizes volunteer healthcare professionals and nonclinical volunteers; and

(F) Is not required to be licensed under § 68-11-202(a)(1).

(3) For the purposes of this section, the term "employing" shall not allow the employing of those physicians exempted in subdivision (e)(3) of this section.

SECTION 3. Tennessee Code Annotated, Section 63-8-114, is amended by adding the following as a new subdivision:

(6)(A) To prohibit a charitable clinic from employing or contracting with an optometrist; provided, that the contractual relationship between the optometrist and the charitable clinic is evidenced by a written contract, job description, or documentation, containing language that does not restrict the optometrist from exercising independent professional judgment in the practice of optometry.

(B) For the purposes of this subdivision (6), the term "charitable clinic" means an entity that meets the following standards:

(i) Has received a determination of exemption from the internal revenue service under 26 U.S.C. § 501(c)(3) or is a distinct part of an entity that has received such a determination of exemption;

(ii) Has clinical facilities located in this state;

(iii) Has a primary mission to provide health care or dental care services to low-income, uninsured, or underserved individuals;

(iv) Provides one or more of the following services for free or at a discounted rate:

(a) Medical care;

(b) Dental care;

(c) Mental health care; or

(d) Prescription medications;

(v) Utilizes volunteer healthcare professionals and nonclinical volunteers; and

(vi) Is not required to be licensed under § 68-11-202(a)(1).

SECTION 4. Tennessee Code Annotated, Section 63-9-104, is amended by adding the following as a new subsection:

(f)(1) Nothing in this section shall be construed to prohibit a charitable clinic from employing or contracting with an osteopathic physician; provided, that the contractual relationship between the osteopathic physician and the charitable clinic is evidenced by a written contract, job description, or documentation, containing language that does not restrict the osteopathic physician from exercising independent professional medical judgment in diagnosing and treating patients.

(2) For the purposes of this subsection (f), the term "charitable clinic" means an entity that meets the following standards:

(A) Has received a determination of exemption from the internal revenue service under 26 U.S.C. § 501(c)(3) or is a distinct part of an entity that has received such a determination of exemption;

(B) Has clinical facilities located in this state;

(C) Has a primary mission to provide health care or dental care services to low-income, uninsured, or underserved individuals;

(D) Provides one or more of the following services for free or at a discounted rate:

(i) Medical care;

(ii) Dental care;

(iii) Mental health care; or

(iv) Prescription medications;

(E) Utilizes volunteer healthcare professionals and nonclinical volunteers; and

(F) Is not required to be licensed under § 68-11-202(a)(1).

(3) For the purposes of this section, the term "employing" shall not allow the employing of osteopathic physicians with the same specialties as those physicians exempted in § 63-6-204(e)(3).

SECTION 5. Tennessee Code Annotated, Section 63-11-201, is amended by adding the following as a new subsection:

(d)(1) Nothing in this section shall be construed to prohibit a charitable clinic from employing or contracting with a psychologist; provided, that the contractual relationship between the psychologist and the charitable clinic is evidenced by a written contract, job description, or documentation, containing language that does not restrict the psychologist from exercising independent professional judgment in diagnosing and treating patients.

(2) For the purposes of this subsection (d), the term "charitable clinic" means an entity that meets the following standards:

(A) Has received a determination of exemption from the internal revenue service under 26 U.S.C. § 501(c)(3) or is a distinct part of an entity that has received such a determination of exemption;

(B) Has clinical facilities located in this state;

(C) Has a primary mission to provide health care or dental care services to low-income, uninsured, or underserved individuals;

(D) Provides one or more of the following services for free or at a discounted rate:

(i) Medical care;

(ii) Dental care;

(iii) Mental health care; or

(iv) Prescription medications;

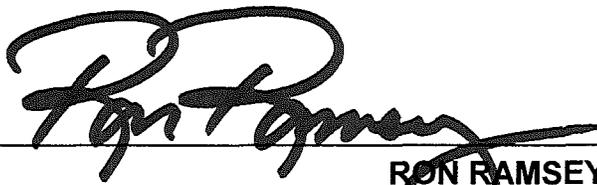
(E) Utilizes volunteer healthcare professionals and nonclinical volunteers; and

(F) Is not required to be licensed under § 68-11-202(a)(1).

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2027

PASSED: April 4, 2016



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of April 2016



BILL HASLAM, GOVERNOR