

HOUSE BILL 1164

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 29, relative to medical laboratories.

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

SECTION 1. Tennessee Code Annotated, Section 68-29-138, is amended by deleting the current section in its entirety and replacing it with the following:

68-29-138.

(a) Notwithstanding any provisions of official compilation Rules and Regulations of the State of Tennessee, Rule 1200-6-1, or any other rule promulgated by the medical laboratory board to the contrary, a Tennessee medical laboratory shall be licensed in accordance with the rules promulgated under authority of this chapters provided in this section if the laboratory is:

(1) Licensed or seeking licensure;

(2) Is engaged in advanced esoteric applied toxicological, forensic, or biochemical laboratory analysis utilizing emerging technologies, such as chromatographic and non-chromatographic techniques coupled with mass spectrometer based detector systems and molecular diagnostic techniques; and

(3) Is licensed, certified, or accredited by the United States department of health and human resources substance abuse and mental health service administrations (SAMHSA), the American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD/LAB), the American Board of Forensic Toxicology (ABFT), the College of American Pathologists Laboratory Accreditation Program (CAP LAP), or a State that has been determined to be exempt in accordance with Section 353(p) of the Public Health Services Act, 42

USC 263a, as having enacted laboratory requirements that are equal to or more stringent than the statutory and regulatory requirements of the Clinical Laboratory Improvement Amendments of 1988 (CLIA).

(b) A laboratory licensed under subsection (a) shall be exempt from the provisions of this chapter and any rules promulgated under this chapter that require:

(1) Persons who perform analytical testing or report the results of an examination to be under the supervision of a licensed medical laboratory director, medical laboratory supervisor, medical laboratory technologist ,or other person so designated by the rules and regulations of the medical laboratory board; and

(2) Persons who accept specimens for laboratory examination and perform analytical testing or report the results of a laboratory examination, be licensed as a technologist, technician, laboratory trainee, or special analyst.

(c) In such medical laboratories, laboratory personnel who analyze or report laboratory results shall possess a baccalaureate or advanced degree with at least sixteen (16) semester hours of chemistry and/or biological science courses.

SECTION 2. This act shall take effect July 1, 2013 the public welfare requiring it.