

HOUSE BILL 2083

By Dunn

AN ACT to amend Tennessee Code Annotated, Section 33-2-402 and Section 33-2-403, relative to enacting the Office-Based Opiate Treatment Act.

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

SECTION 1. This act shall be known and may be cited as the "Office-Based Opiate Treatment Act".

SECTION 2. Tennessee Code Annotated, Section 33-2-402, is amended by adding the following as new appropriately, designated subdivisions:

() "Nonresidential office-based opiate treatment facility" includes, but is not limited to, stand-alone clinics, treatment resources, individual physical locations occupied as the professional practice of a prescriber or prescribers licensed pursuant to title 63, or other entities prescribing products containing buprenorphine, or products containing any other controlled substance designed to treat opiate addiction by preventing symptoms of withdrawal to fifty percent (50%) or more of its patients and one hundred fifty (150) or more patients;

() "Physical location" means real property on which is located a physical structure, whether or not that structure is attached to real property, containing one (1) or more units and includes an individual apartment, office, condominium, cooperative unit, mobile or manufactured home, or trailer, if used as a site for prescribing or dispensing products containing buprenorphine or products containing any other controlled substance designed to treat opiate addiction by preventing symptoms of withdrawal;

SECTION 3. Tennessee Code Annotated, Section 33-2-403(b)(1), is amended by deleting the subdivision and substituting the following:

(1) Private practitioners who are authorized to practice by the boards of healing arts and only in private practice in that capacity. The exemption set out in this subdivision (b)(1) shall not apply to those practitioners operating within a non-residential opiate office-based treatment facility;

SECTION 4. Tennessee Code Annotated, Section 33-2-403, is amended by adding the following new subsections:

(e) The license holder of a nonresidential office-based opiate treatment facility shall ensure that adequate billing records are maintained onsite at the addiction treatment clinic and shall ensure that adequate billing records are maintained for all patients and for all patient visits. Billing records shall be made for all methods of payment. Billing records shall be made available to the department upon request.

Billing records shall include, but not be limited to, the following:

- (1) The amount paid for the co-pay or remainder of services;
- (2) Method of payment;
- (3) Date of the delivery of services;
- (4) Date of payment; and
- (5) Description of services.

(f) The license holder of a nonresidential office-based opiate treatment facility shall ensure that patient billing records and patient medical records shall be maintained for seven (7) years from the date of the patient's last treatment at the clinic.

(g) The license holder of a nonresidential office-based opiate treatment facility shall ensure that all monetary transactions at the facility shall be in accordance with § 63-1-310, which provides that a pain management clinic may accept only a check, credit card, or money order in payment for services provided at the facility; except that payment may be made in cash for a co-pay, coinsurance, or deductible when the remainder of the charge for the services will be submitted to the patient's insurance plan for reimbursement.

SECTION 5. The commissioner of mental health and substance abuse services is authorized to promulgate rules to effectuate the purposes of this act. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

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