

SENATE BILL 791

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 56; Title 63 and Title 68, relative to offering
healthcare services free of charge.

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

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding the following language as a new chapter:

63-32-101. This chapter shall be known and may be cited as the “Mission Tennessee Act.”

63-32-102. As used in this chapter:

(1) “Healthcare professional” means any physician, surgeon, dentist, nurse, optometrist, or other practitioner of a healthcare discipline who has a valid license or certification, in good standing, pursuant to this title; and

(2) “Healthcare facility” means any institution, place, or building providing healthcare services that is licensed under title 68, chapter 11.

63-32-103. Each healthcare professional and facility in this state is authorized to offer healthcare services to patients pursuant to this chapter in return for no compensation. Prior to offering any healthcare service pursuant to this chapter, the healthcare professional or facility shall require the patient sign a form, developed by the department of health, that describes the release of any civil action against the healthcare professional or facility as described in § 63-32-104. The healthcare professional or facility shall clearly state on the form the healthcare services to which the patient is releasing any civil action.

63-32-104.

(a) A healthcare professional or facility offering healthcare services pursuant to this chapter shall not be liable to any patient receiving those healthcare services, or to any family member or representative of the patient, for any civil damages as a result of any act or omission by the healthcare professional or facility in rendering the healthcare services or as a result of any act or failure to act to provide or arrange for further healthcare services for the person, except for damages that result from the gross negligence or willful misconduct of the healthcare professional or facility in rendering the healthcare services stated on the form as described in § 63-32-103.

(b) In any cause of action brought against a healthcare professional or facility for damages resulting from the gross negligence or willful misconduct of the healthcare professional or facility in rendering any healthcare service pursuant to this chapter, the prevailing party shall be entitled to reasonable attorney's fees and court costs.

63-32-105. A healthcare professional or facility offering healthcare services pursuant to this chapter is not required to register or otherwise comply with the Volunteer Health Care Services Act, compiled in title 63, chapter 6, part 7.

SECTION 2. For purposes of the department of health developing a form as described in Section 1, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to healthcare services provided on or after that date.