

SENATE BILL 851

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 56 and Title 68, Chapter 29, relative to medical laboratories that participate in accountable care organizations.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 29, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Accountable care organization" or "ACO" means the term as defined by Section 3022 of the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended; and

(2) "Clinical laboratory testing" means any test as defined under this section, or otherwise subject to Section 353 of the Public Health Service Act (42 U.S.C. § 263a).

(b) An accountable care organization that provides diagnosis and treatment for patients in this state shall establish a clinical laboratory testing advisory board to consider and recommend guidelines or protocols for clinical laboratory testing.

(c)

(1) The clinical laboratory testing advisory board may make recommendations to the ACO governance board for guidelines or protocol adoption for clinical laboratory testing used for diagnostic purposes, disease management, and pathologist consultation on episodes of care.

(2) The ACO clinical laboratory testing advisory board may recommend guidelines or protocols for clinical laboratory testing to ensure appropriate use of testing.

(3) The composition of an ACO clinical laboratory testing advisory board shall be determined by the ACO; provided, however, that the ACO clinical laboratory testing advisory board shall have at least one (1) physician who:

(A) Is legally affiliated with the ACO; and

(B) Is a clinical laboratory director, as defined by Section 353 of the Public Health Service Act (42 U.S.C. § 263a), of a clinical laboratory providing services for the ACO.

(d) Notwithstanding the requirement of this section to establish a clinical laboratory testing advisory board, nothing contained in this section shall be construed to require an ACO governance board to adopt a clinical laboratory testing guideline or protocol recommended by its clinical laboratory testing advisory board.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.