

SENATE BILL 955

By McNally

AN ACT to amend Tennessee Code Annotated, Title 63,  
relative to review of certain conduct of health care  
practitioners by licensing boards.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

(a)

(1) Notwithstanding any other provision of this chapter or of chapters 3, 5, 6, 7, 8, 9 or 19 of this title, when a practitioner licensed under any of such chapters is under state or federal indictment in this state for an offense involving the sale or dispensing of controlled substances under state or federal law, the practitioner shall report the indictment to the practitioner's licensing board in writing within seven (7) calendar days of acquiring actual knowledge of the indictment. Such report shall include the jurisdiction in which the indictment is pending, if known, and shall also be accompanied by a copy of the indictment, if the practitioner has one.

(2) A district attorney general and appropriate attorneys for the federal government are strongly encouraged, when appropriate, to promptly notify a practitioner's licensing board when a practitioner covered under subdivision (a)(1) is indicted in this state for an offense involving the sale or dispensing of controlled substances under state or federal law.

(b) The knowing failure of a practitioner to submit the report required in subdivision (a)(1) above to the licensing board shall be considered unprofessional, dishonorable or unethical conduct and may be grounds for such licensing board to take

disciplinary action against the practitioner's license. The fact an indictment was sealed and the practitioner could not have actual knowledge of its existence excuses the practitioner from discipline based on the failure of the practitioner to submit a report. However, the claim that the practitioner was not aware of the obligation required in subdivision (a)(1) may not excuse the practitioner from discipline based on the failure of the practitioner to submit a report.

(c) Upon receiving a report of an indictment pursuant to subdivision (a)(1), (a)(2) or from any other source, the practitioner's licensing board, through the board's consultant or other person designated by the board, shall within fifteen (15) calendar days, conduct an expedited review of the practitioner's conduct alleged in the indictment. The purpose of such expedited review shall be to determine if the matter merits an expedited investigation by the board. If so, such a directive shall be given to the department of health's office of investigations. All review activity under this subsection (c) shall be confidential pursuant to § 63-1-117(f).

(d) For the purposes of this section, "controlled substances" means substances regulated as controlled substances under title 39, chapter 17, part 4, or title 53, chapters 10 and 11, or the federal Controlled Substances Act, compiled at 21 U.S.C. § 801, et seq.

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