

SENATE BILL 1942

By McNally

AN ACT to amend Tennessee Code Annotated, Title 29;
Title 33, Chapter 10, Part 1; Title 63 and Title 68,
Chapter 11, relative to liability of health care
institutions.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding the following language as a new, appropriately designated part:

68-11-2001.

As used in this part:

(1) "Drug abuse" means a condition characterized by the continuous or episodic use of a drug or drugs that results in social impairment, vocational impairment, psychological dependence, or pathological patterns of use;

(2) "Health care institution" means any publicly or privately owned or operated institution, facility, center, or place licensed by the department of health that provides health services for patients that engage in drug abuse;

(3) "Health care provider" means a person licensed under title 63 or this title to provide health care or related services; and

(4) "Indwelling catheter" means a proprietary indwelling device that is inserted under a patient's skin to provide long-term IV access for administering blood products, prescribed medication, high-dose chemotherapy, or other treatments.

68-11-2002.

(a) Notwithstanding any law to the contrary, a health care institution or health care provider shall be immune from suit and any liability under state law with respect to

all claims for loss caused by, arising out of, relating to, or resulting from misuse of an indwelling catheter that the health care provider placed in a patient if:

(1) The misuse occurs after placement of the indwelling catheter, after the patient is discharged from the health care institution, or after both; and

(2) The health care institution provides written notice of such immunity to the patient at the time of or subsequent to the placement of the indwelling catheter, but in all cases prior to the patient's discharge from the health care institution.

(b) For purposes of this section, misuse of an indwelling catheter means that an individual, other than an employee of the health care institution or health care provider:

(1) Introduces any drug as defined in title 39, chapter 17, part 4 into the indwelling catheter;

(2) Introduces any medication not prescribed by the health care provider into the indwelling catheter; or

(3) Introduces any other substance harmful to the patient into the indwelling catheter.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.