



State of Tennessee
PUBLIC CHAPTER NO. 869

SENATE BILL NO. 2587

By Yager

Substituted for: House Bill No. 2724

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1, relative to the regulation of pain management clinics.

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

SECTION 1. Tennessee Code Annotated, Section 63-1-301, is amended by deleting subdivision (5) in its entirety and by substituting instead the following:

(5) "Pain management clinic" means a privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period; and

SECTION 2. Tennessee Code Annotated, Section 63-1-302, is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;

SECTION 3. Tennessee Code Annotated, Section 63-1-302, is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under Title 68;

SECTION 4. Tennessee Code Annotated, Section 63-1-306, is amended by deleting subdivision (j) in its entirety and by substituting instead the following:

(j) A pain management clinic operating on or before January 1, 2012, may continue to operate as long as an application for certification is timely filed on or before October 1, 2012. This provision shall apply retroactively to applications for certification filed since January 1, 2012.

SECTION 5. Tennessee Code Annotated, Section 63-1-309, is amended by adding the following at the end of subdivision (a)(2):

An applicant who is denied a certificate or a renewal of a certificate may appeal the decision in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding the following new section:

63-1-312.

(a) If, prior to the renewal of a certificate pursuant to § 63-1-308, a registered pain management clinic wishes to voluntarily inactivate its certificate, it shall file notification with the department. The notification shall state the date on which the pain

management clinic did or will cease to operate as a pain management clinic (the inactive date). In no case shall a certificate be considered inactivated on any date on which the clinic operated or will operate as a pain management clinic. No fees will be refunded as a result of the filing of an inactivity notice.

(b) The department may charge a fee to process inactivity notices received from pain management clinics.

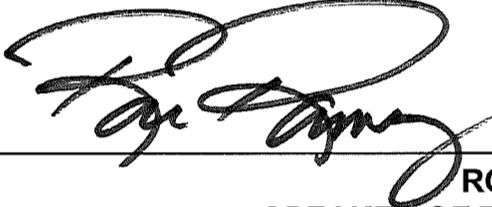
(c) This section shall not be used to circumvent enforcement or inspection activities conferred by this part to the department or a board for any alleged offense occurring during the time the pain clinic was registered or was required to be registered as a pain management clinic.

(d) If the pain management clinic thereafter wishes to register, it shall submit a new application, pay the requisite registration fee and meet such other reasonable requirements as deemed necessary by the department as if an original application was filed.

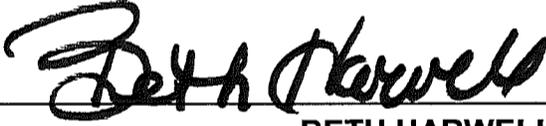
SECTION 7. This act shall take effect on becoming law, the public welfare requiring it.

SENATE BILL NO. 2587

PASSED: April 12, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of May 2012



BILL HASLAM, GOVERNOR