



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 912**

### **SENATE BILL NO. 829**

**By Yager, McNally, Bowling, Briggs, Dickerson**

Substituted for: House Bill No. 929

By Powers, Calfee, Farmer, Hawk, Durham, Littleton, Keisling, Ragan, McCormick,  
Cameron Sexton, Hazlewood, Moody, Smith, Dunn

AN ACT to amend Tennessee Code Annotated, Title 33, Chapter 2 and Title 68, Chapter 11, relative to certain treatments for opiate addiction.

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

SECTION 1. Tennessee Code Annotated, Section 33-2-402, is amended by adding the following as new subdivisions to be appropriately designated:

( ) (A) "Nonresidential office-based opiate treatment facility" includes, but is not limited to, stand-alone clinics, treatment resources, individual physical locations occupied as the professional practice of a prescriber or prescribers licensed pursuant to title 63, or other entities prescribing products containing buprenorphine, or products containing any other controlled substance designed to treat opiate addiction by preventing symptoms of withdrawal to fifty percent (50%) or more of its patients and to one hundred fifty (150) or more patients;

(B) For the purposes of subdivision (A), "physical location" means real property on which is located a physical structure, whether or not that structure is attached to real property, containing one (1) or more units and includes an individual apartment, office, condominium, cooperative unit, mobile or manufactured home, or trailer, if used as a site for prescribing or dispensing products containing buprenorphine, or products containing any other controlled substance designed to treat opiate addiction by preventing symptoms of withdrawal;

( ) "Nonresidential substitution-based treatment center for opiate addiction" or "nonresidential opioid treatment program" includes, but is not limited to, stand-alone clinics offering methadone, products containing buprenorphine such as Subutex and Suboxone, or products containing any other formulation designed to treat opiate addiction by preventing symptoms of withdrawal;

SECTION 2. Tennessee Code Annotated, Section 33-2-402(2), is amended by inserting the language "nonresidential office-based opiate treatment facility, nonresidential substitution-based treatment center for opiate addiction," between the language "community mental health center," and "DUI school".

SECTION 3. Tennessee Code Annotated, Section 33-2-403(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Private practitioners who are authorized to practice by the boards of healing arts and only in private practice in that capacity. This subdivision (b)(1) shall not apply to a private practitioner, prescriber, or prescribers operating a nonresidential office-based opiate treatment facility, as defined in § 33-2-402;

SECTION 4. Tennessee Code Annotated, Section 33-2-403, is amended by adding the following new subsections:

(e) The license holder of a nonresidential office-based opiate treatment facility shall ensure that adequate billing records are maintained, in any format, onsite at the nonresidential office-based opiate treatment facility and shall ensure that adequate billing records are maintained for all patients and for all patient visits. Billing records shall be maintained for a period of three (3) years from the date of the patient's last treatment at the nonresidential office-based opiate treatment facility. Billing records shall be made for all methods of payment. Billing records shall be made available to the department upon request. Billing records shall include, but not be limited to, the following:

- (1) The amount paid for services;
- (2) Method of payment;
- (3) Date of the delivery of services;
- (4) Date of payment; and
- (5) Description of services.

(f) The license holder of a nonresidential office-based opiate treatment facility shall ensure that records of all bank deposits of cash payments for services provided at the nonresidential office-based opiate treatment facility are maintained, in any format, at the nonresidential office-based opiate treatment facility for a period of three (3) years.

(g) The license holder of a nonresidential office-based opiate treatment facility shall ensure that patient medical records are maintained, in any format, for a period of ten (10) years from the date of the patient's last treatment at the facility.

SECTION 5. The commissioner of mental health and substance abuse services, upon consultation with the commissioner of health, is authorized to promulgate rules to implement this act in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5. Medication assisted treatment guidelines, developed by nationally recognized addiction treatment organizations, such as the United States department of health and human services' substance abuse and mental health services agency, the United States department of health and human services' national institute on drug abuse, and the American Society of Addiction Medicine, shall serve as a guide to the development of the rules.

SECTION 6. Notwithstanding this act or the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5, any rule promulgated to implement the provisions of this act shall be provided to the chairs of the health committee of the house of representatives and the health and welfare committee of the senate by the secretary of state, after approval by the attorney general and reporter, at the same time the text of the rule is made available to the government operations committees of the senate and the house of representatives for purposes of conducting the review required by § 4-5-226 in order for the health committee of the house of representatives and the health and welfare committee of the senate to be afforded the opportunity to comment on the rule.

SECTION 7. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2017, the public welfare requiring it.

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PASSED: April 11, 2016

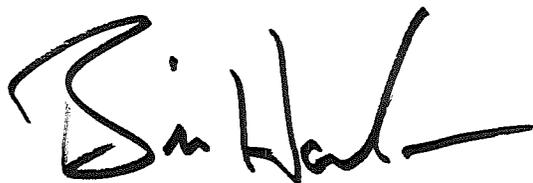


RON RAMSEY  
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 27<sup>th</sup> day of April 2016



BILL HASLAM, GOVERNOR