

2024

LEGISLATIVE SUMMARY



1,701

Bills reviewed

576

TMA tracked

115

Bills supported

38

Bills opposed

23

Bills amended

7

Bills defeated

The second session of the 113th Tennessee General Assembly adjourned on April 25, 2024. TMA and the House of Medicine fared very well this year, passing all of its legislative priorities and advancing several healthcare initiatives on which the association has House of Delegates policy. Below is a summary of key wins in the 2024 legislative session.

SCOPE OF PRACTICE

After nearly a decade of fending off scope of practice expansions, TMA passed legislation that allows “endorsed” physician assistants with more than 6000 hours of post-graduate clinical experience to practice under less prescriptive protocols and formularies, as approved by their employer. This will improve supervision efficiency and reduce administrative burden for collaborating physicians. The new law does not apply to PAs with less than 6000 hours of post-graduate clinical experience or to APRNs.

PHYSICIAN WELLNESS

After failing to gain enough support in the 2023 session, TMA successfully passed legislation this year to make physician communications with a therapist confidential for purposes of licensure, credentialing, and employment. The new law offers protections for physicians seeking treatment for career fatigue.

DR. BENJAMIN MAUCK ACT

In honor of murdered Collierville physician, Dr. Benjamin Mauck, last July, TMA introduced and passed legislation that increases the penalty for knowingly committing assault within a healthcare facility. The law aligns Tennessee with 40 other states that have already established laws creating or increasing penalties for violence against healthcare workers.

INSURER CLAWBACKS

TMA passed legislation reforming the state’s health insurance recoupment statute to make the process fairer and more transparent for physician practices. This includes advance notice requirements; a prohibition on recoupment until all appeals are exhausted; and a prohibition on collecting the entire contested claim amount versus just the overpayment amount. The new law also reduces the timeframe an insurer may recoup from 18 months to 15 months.

HEALTHCARE ADVERTISING

Prohibits non-physician practitioners from utilizing misleading or deceptive information about his or her profession or license in any printed, electronic, or oral advertisements. This includes the usage of physician titles, such as MD and DO, and over 30 specialty designations which may incorrectly lead a layperson to believe the practitioner is engaged in the practice of medicine. The law imposes new disciplinary sanctions for those who violate the prohibition.

SPECIALTY MEDICATION STORAGE

Allows hematology and oncology clinics to store and restock unopened, unused, and unexpired commercially-available specialty medication on the business premises in order to reduce drug waste and lost revenue. The bill defines specialty medication as prescription drugs used to treat cancer or cancer side effects, or diseases of blood and blood components. Controlled substances and compounded drug products are excluded.

CYBERSECURITY LIABILITY

Establishes that a private entity is not liable in a class action lawsuit resulting from a cybersecurity event unless it was caused by willful and wanton misconduct or gross negligence on the part of the private entity. This will protect both corporate medical practices and physician-owned practices in the event of a healthcare data breach.

MENTAL HEALTH PARITY

Requires TennCare MCOs to cover and reimburse mental health services and treatment to the same level as treatment for substance use disorder and alcohol dependence. This will effectively increase the reimbursement rate for behavioral health providers to incentivize them to accept more TennCare patients.

PROSTATE SCREENING COVERAGE

Requires health insurance coverage for the early detection of prostate cancer for men 40 to 49 years of age who are at a high risk of developing prostate cancer, including African-American men and men with a family history of prostate cancer, men 50 years of age and older, and others, if a physician determines that early detection for prostate cancer is medically necessary. This will greatly improve early detection and mortality.

IMG LICENSURE

Authorizes the Board of Medical Examiners to issue a foreign training license of limited duration to international medical graduates (IMG) who successfully complete satisfactory competency of skills as demonstrated by the state's licensing examination; a minimum three-year postgraduate training program in the licensee's country; and a minimum three-years of clinical experience performing the duties of a physician outside of the U.S. The new law is now being used as a model for similar legislation around the country.

DEATH CERTIFICATES

Extends from 48 hours to two business days the time by which a medical examiner or physician in charge of a patient must determine the cause of death and complete and sign a death certificate. This will help improve physician compliance with the death certification process.

For a full summary of TMA's advocacy efforts this session, scan to review the **2024 Legislative Report Card**.

