



KeyCite Red Flag - Severe Negative Treatment

Enacted Legislation New Section Added by 2024 Tennessee Laws Pub. Ch. 924 (S.B. 734).

West's Tennessee Code Annotated

Title 63. Professions of the Healing Arts (Refs & Annos)

Chapter 1. Division of Health Related Boards (Refs & Annos)

Part 1. General Provisions

T. C. A. § 63-1-173

§ 63-1-173. Medical treatment of minors; parental consent

Effective: July 1, 2024

Currentness

(a) As used in this section:

(1) "Government entity" means the state, any branch, department, agency, commission, or instrumentality of state government, any official or other person acting under color of state law, or any political subdivision of the state;

(2) "Healthcare provider" means a healthcare professional, healthcare establishment, or healthcare facility licensed, registered, certified, or permitted pursuant to this title, title 33, or title 68 or regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health or by the department of mental health and substance abuse services, and that is authorized to provide health or medical care or mental health services in this state;

(3) "Medical decision-making authority" means the power granted by the state to a nonparent to make important decisions regarding a child's health care;

(4) "Minor":

(A) Means an individual who has not attained eighteen (18) years of age; and

(B) Does not include an individual who:

(i) Is emancipated pursuant to title 29, chapter 31;

(ii) Needs emergency treatment pursuant to § 63-6-222;

(iii) Is or was previously a member of the armed forces of the United States or a member of a reserve or national guard unit; or

(iv) Is the parent of a minor child and has full custody of that minor child;

(5) “Parent” means a biological, legal, or adoptive parent or an individual who has been granted medical decision-making authority over the child under state law; and

(6) “Person” means an individual, corporation, or any other legal or commercial entity, whether or not a citizen or domiciliary of this state and whether or not organized under the laws of this state.

(b) Except as otherwise provided by statutory law, case law, or court order, a government entity, a healthcare provider, or any other person shall not knowingly take any of the following actions with regard to a minor without first obtaining the consent of a parent of the minor:

(1) Treat, profess to diagnose, operate on, or prescribe for any physical ailment, physical injury, or deformity;

(2) Prescribe, dispense, deliver, or administer any drug or medication;

(3) Render psychological services specified in §§ 63-11-202 and 63-11-203; or

(4) Render counseling services specified in § 63-22-122.

(c) This section does not apply when:

(1) A parent of the minor has given blanket consent authorizing the person or entity to perform an activity listed in subsection (b);

(2) A government entity, healthcare provider, or any other person reasonably relies in good faith on an individual's representations that the individual is the parent of a minor or has otherwise been granted authority to make decisions regarding a minor's health care under state law;

(3) A licensed physician performs emergency medical or surgical treatment pursuant to § 63-6-222;

(4) Licensed personnel render appropriate emergency medical care and provide emergency medical services pursuant to § 68-140-309;

(5) A person, including a law enforcement officer, participates or assists in rendering emergency care pursuant to § 63-6-218;
or

(6) An employee of a local education agency acts to control bleeding using a bleeding control kit pursuant to § 49-2-137.

(d) A violation of this section is an unlawful practice and is grounds for the offending healthcare provider's licensing authority to suspend, revoke, or refuse to renew the healthcare provider's license or take other disciplinary action allowed by law.

(e) If the licensing authority of a healthcare provider receives information of a violation or potential violation of this section by the healthcare provider, then the licensing authority shall conduct an immediate investigation and take appropriate disciplinary action.

(f) A parent may bring a civil cause of action to recover compensatory damages, reasonable attorney's fees, court costs, expenses, and other appropriate relief against an entity or healthcare provider alleged to have violated this section.

(g) If a court in any civil action brought pursuant to this section finds that a healthcare provider knowingly violated this section, then the court shall notify the appropriate regulatory authority and the attorney general and reporter by mailing a certified copy of the court's order to the regulatory authority and the attorney general and reporter. Notification pursuant to this subsection (g) must be made upon the judgment of the court being made final.

(h)(1) A civil action commenced against a healthcare provider under this section must be brought within the period required by § 29-26-116.

(2) A civil action commenced against another entity under this section must be brought within one (1) year from the date of discovery of the violation of this section.

(i) This section is declared to be remedial in nature, and this section must be liberally construed to effectuate its purposes.

Credits

2024 Pub.Acts, c. 1061, § 2, eff. July 1, 2024.

T. C. A. § 63-1-173, TN ST § 63-1-173

Current with legislation effective through June 30, 2024, from the 2024 Regular Session of the 113th Tennessee General Assembly. Some sections may be more current; see credits for details. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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