

HOUSE BILL 2451

By Leatherwood

AN ACT to amend Tennessee Code Annotated, Title 47;
Title 63 and Title 68, relative to healthcare
practice.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding
the following as a new part:

63-1-801. Short title.

This part is known and may be cited as the "Healthcare Provider Advertising
Law."

63-1-802. Application.

This part does not apply to an advertisement communicated or disseminated
before January 1, 2025. However, an advertisement that was prepared or created
before January 1, 2025, shall not be disseminated after December 31, 2024, unless the
advertisement complies with the requirements set forth in § 63-1-804.

63-1-803. Part definitions.

As used in this part:

(1) "Advertisement":

(A) Means any printed, electronic, or oral statement:

(i) That is communicated or disseminated to the general
public;

(ii) That:

(a) Is intended to encourage a person to use a
practitioner's professional services; or

(b) Names, for commercial purposes, a practitioner in connection with the practice, profession, or institution in which the practitioner is employed, volunteers, or provides healthcare services; and

(iii) That the practitioner or the practitioner's group practice has control over the preparation, communication, or dissemination of the statement;

(B) Includes the communication or dissemination as described in subdivision (1)(A) of any other communication or statement used in the course of business for the purpose of promoting a practitioner's services offered to the public; and

(C) Does not include:

(i) Office building placards; or

(ii) Exterior building signage that was in place before January 1, 2025;

(2) "Deceptive or misleading information" means any information that misrepresents or falsely describes a practitioner's profession, skills, training, expertise, educational degree, board certification, or license;

(3) "Educational degree" means the degree awarded to the practitioner by a college or university related to the practitioner's profession, which may be used under the scope of the practitioner's license, including use of its acronym;

(4) "License" means the license, certification, registration, or other authorization from the healthcare practitioner's regulating entity that permits the healthcare practitioner to practice in this state;

(5) "Practitioner":

(A) Means an individual who holds a license pursuant to this title;
and

(B) Does not include a veterinarian licensed pursuant to chapter
12 of this title; and

(6) "Profession":

(A) Means the name or title of the profession of which a
practitioner is a member, as specifically allowed for use by individuals
who hold a license, license by endorsement, certificate, or registration
from a regulatory board under the board's governing statute or rules; and

(B) Does not include the license or educational degree of a
practitioner.

63-1-804. Requirements for practitioner advertising.

(a) An advertisement that includes a practitioner's name must prominently state
the profession or license held by the practitioner.

(b) A written advertisement that includes a practitioner's name must prominently
set forth the profession or license held by the practitioner in a font size and style that
makes the information readily apparent to the reader.

(c) An advertisement must not include any deceptive or misleading information.

(d) Subject to subsection (e), a practitioner who communicates or disseminates
to the general public an advertisement that violates this section is subject to disciplinary
sanctions by the board that issued the practitioner's license.

(e) This section does not prohibit the use of an advertisement using the
practitioner's profession, title, or designation associated with the practitioner's
educational degree if the advertisement meets the requirements of subsection (a).

SECTION 2. Tennessee Code Annotated, Section 63-6-204, is amended by adding the following as a new subsection:

(m) Notwithstanding this section to the contrary:

(1) As used in this section, "practice of medicine":

(A) Means one (1) or a combination of the following:

(i) Holding oneself out to the public as being engaged in:

(a) The diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;

(b) The suggestion, recommendation, prescription, or administration of any form of treatment;

(c) The performing of any kind of surgical operation upon a human being in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or

(d) The prevention of any physical, mental, or functional ailment or defect of any person;

(ii) Maintaining an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind;

(iii) Attaching any of the following words or abbreviations to a name, either alone or in connection with other words or

abbreviations indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine, including:

- (a) "Doctor of medicine";
- (b) "M.D.";
- (c) "Doctor of osteopathy";
- (d) "D.O.";
- (e) "Physician";
- (f) "Osteopath";
- (g) "Osteopathic medical physician";
- (h) "Surgeon";
- (i) "Physician and surgeon";
- (j) "Anesthesiologist";
- (k) "Cardiologist";
- (l) "Dermatologist";
- (m) "Endocrinologist";
- (n) "Gastroenterologist";
- (o) "Gynecologist";
- (p) "Hematologist";
- (q) "Internist";
- (r) "Laryngologist";
- (s) "Nephrologist";
- (t) "Neurologist";
- (u) "Obstetrician";
- (v) "Oncologist";

- (w) "Ophthalmologist";
- (x) "Orthopedic surgeon";
- (y) "Orthopedist";
- (z) "Otologist";
- (aa) "Otolaryngologist";
- (bb) "Otorhinolaryngologist";
- (cc) "Pathologist";
- (dd) "Pediatrician";
- (ee) "Primary care physician";
- (ff) "Proctologist";
- (gg) "Psychiatrist";
- (hh) "Radiologist";
- (ii) "Rheumatologist";
- (jj) "Rhinologist";
- (kk) "Urologist";
- (ll) "Medical doctor";
- (mm) "Family practice physician"; or
- (nn) "Physiatrist";

(iv) Providing diagnostic or treatment services to a person in this state when the diagnostic or treatment services are:

(a) Transmitted through electronic communications; and

(b) On a regular, routine, and nonepisodic basis or under an oral or written agreement to regularly provide medical services; and

(B) Does not prohibit:

(i) A practitioner from using the practitioner's name, title, or profession that is allowed under the practitioner's practice act or another state law;

(ii) A practitioner who is a chiropractor and who has attained diplomate status in a chiropractic specialty area recognized by the American Chiropractic Association, International Chiropractic Association, or International Academy of Clinical Neurology before January 1, 2025, from using a designation or term included in subdivision (m)(1)(A) in conjunction with the name or title of the practitioner's profession;

(iii) A practitioner who is a dentist and who has completed a dental anesthesiology residency recognized by the American Dental Board of Anesthesiology before January 1, 2025, from using a designation or term included in subdivision (m)(1)(A) in conjunction with the name or title of the practitioner's profession; or

(iv) A nonresident physician who is located outside this state from providing a second opinion to a licensee or diagnostic or treatment services to a patient in this state following medical care originally provided to the patient while outside this state;

(2) Subdivision (m)(1)(A) does not apply to:

(A) A practitioner if the practitioner has a special area of practice and the practitioner uses the following format: "[The name or title of the practitioner's profession] specializing in [name of specialty]";

(B) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school;

(C) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received;

(D) A paramedic, an advanced emergency medical technician, an emergency medical technician, or a person with equivalent certification from another state who renders advanced life support or basic life support:

(i) During a disaster or emergency declared by the governor in response to an act that the governor in good faith believes to be an act of terrorism; and

(ii) In accordance with the rules adopted by the emergency medical services board or the disaster or emergency declaration of the governor;

(E) An individual who is not a licensed practitioner in this state who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in to this state for consultation by an individual licensed to practice medicine or osteopathic medicine in this state; or

(F) A member of a church or religious organization practicing the religious tenets of the church or religious organization if the member does not make a medical diagnosis, prescribe or administer drugs or

medicines, perform surgical or physical operations, or assume the title of
or profess to be a physician.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.