

**CHAPTER NO. 383****SENATE BILL NO. 795****By Burchett, McLeary****Substituted for: House Bill No. 1635****By McMillan, Maddox**

AN ACT to amend Tennessee Code Annotated, Section 68-11-201, relative to outpatient diagnostic centers.

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

SECTION 1. Tennessee Code Annotated, Section 68-11-201, is amended by deleting subdivision (31) in its entirety and substituting instead the following:

(31) "Outpatient diagnostic center," except as otherwise limited herein, means any facility providing outpatient diagnostic services, unless the outpatient diagnostic services are provided as the services of another licensed healthcare institution that reports such outpatient diagnostic services on its joint annual report, or the facility is otherwise excluded from this definition. As used in this subdivision, "outpatient diagnostic services" means the following services provided to any person who is not an inpatient of a hospital: computerized tomography, magnetic resonance imaging, positron emission tomography, or other imaging technology developed after the effective date of this act which provides substantially the same functionality as computerized tomography, magnetic resonance imaging, or positron emission tomography and for which a certificate of need is required by Title 68, Chapter 11. With respect to an outpatient diagnostic center, data shall be reported to the commissioner of health pursuant to § 68-1-119, but the commissioner shall not make such data available to any third parties, except approved vendors which process the data, until the data is made publicly available.

"Outpatient diagnostic center" does not include a physician or dental practice that is conducted at a location occupied and controlled by one or more physicians or dentists licensed under Title 63, if the outpatient diagnostic services are ancillary to the specialties of the physicians' practice or are provided primarily for persons who are patients of the physicians or dentists in the practice for purposes other than outpatient diagnostic services. Outpatient diagnostic services provided in settings other than outpatient diagnostic centers or ambulatory surgery treatment centers shall be reported to the department of health in the same manner as if such services were provided in an outpatient diagnostic center.

SECTION 2. Nothing in this act shall require an outpatient diagnostic center in existence prior to the effective date of this act to obtain a certificate of need. Outpatient diagnostic centers in existence prior to the effective date of this act will be required to obtain licensure by the department of health and comply with relevant reporting requirements.

SECTION 3. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. This act shall be take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 25, 2005**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 9<sup>th</sup> day of June 2005**

  
PHIL BREDESEN, GOVERNOR