

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

**August 17, 2018**

**Opinion No. 18-39**

**Physicians' Constitutional Right to Employment by Hospitals**

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**Question:** Tennessee Code Annotated § 68-11-205(b)(6) and § 68-11-205(b)(9)(A) both provide that

[n]o radiologist, anesthesiologist, pathologist, or emergency physician may be employed by a hospital or an affiliate of a hospital and no hospital or an affiliate of a hospital may employ any physician to provides services provided by radiologists, anesthesiologists, pathologists, or emergency physicians; provided, that a physician may be employed to provide emergency medical services, if the physician is employed to provide other medical services.

Do these statutory provisions unconstitutionally deny these doctors the right to be employed?

**Opinion:** No. There is no state or federal constitutional right to be employed. The statute does not prevent radiologists, anesthesiologists, pathologists, or emergency physicians from providing their services to patients at hospitals as independent contractors, but they have no constitutional right to be employees of any hospital.

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Requested by:

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