

**RULES  
OF  
TENNESSEE DEPARTMENT OF HEALTH  
DIVISION OF HEALTH RELATED BOARDS**

**CHAPTER 1200-10-03  
DRUG TESTING AND REPORTING**

**TABLE OF CONTENTS**

1200-10-03-.01	Time of Reporting	1200-10-03-.03	Disciplinary Action Reporting
1200-10-03-.02	Reporting Requirements		

**1200-10-03-.01 TIME OF REPORTING.** When an employer is required to report a healthcare practitioner's refusal to submit to a drug test or positive drug test result, such report shall be made in writing to the Tennessee Department of Health, Office of Investigation, within ten (10) business days from the third day allowed the healthcare practitioner to produce a lawful prescription or report to a substance abuse peer assistance program.

**Authority:** T.C.A. §§ 50-9-115, 63-1-101, 63-1-126, 63-1-150, and 68-1-101. **Administrative History:** Original rule filed September 6, 2018; effective December 5, 2018.

**1200-10-03-.02 REPORTING REQUIREMENTS.**

- (1) The employer's report to the Tennessee Department of Health, Office of Investigation shall:
  - (a) Be in writing;
  - (b) Detail the date the drug test was refused or administered;
  - (c) In the case of a positive result, contain a certified copy of the drug test results, chain of custody, and verification;
  - (d) Contain a certified copy of the notification given to the healthcare practitioner; and
  - (e) Contain the last known address of the healthcare practitioner.
- (2) For purposes of this rule, "certified" means accompanied by an affidavit of the custodian or other qualified person certifying, in accordance with Tennessee Rules of Evidence 902(11), that it was produced as a record of a regularly conducted activity. Such a certifying affidavit form can be provided by the Department upon request.
- (3) As used in T.C.A. § 63-1-126 the term "lawful prescription" means a prescription that complies with T.C.A. § 53-10-401, and "valid medical reason for using the drug" means a use for which the healthcare practitioner can produce a prescriber's written recommendation.

**Authority:** T.C.A. §§ 50-9-115, 63-1-126, and 68-1-101. **Administrative History:** Original rule filed September 6, 2018; effective December 5, 2018.

**1200-10-03-.03 DISCIPLINARY ACTION REPORTING.**

- (1) The chief administrative official for each hospital or other health care facility, shall make a report if disciplinary action is taken concerning any person licensed under Title 63 or Title 68, where that action is related to professional ethics, professional incompetence or negligence, moral turpitude, or drug or alcohol abuse, in writing, within sixty (60) days of the date of the

(Rule 1200-10-03-.03, continued)

- action. The hospital or health care facility shall make available to the Tennessee Department of Health, Office of Investigation, all records pertaining to the disciplinary action taken.
- (2) Where an employer reports a refused or positive drug test pursuant to this chapter, the requirement to report a disciplinary action shall be satisfied if the report also contains a statement of the disciplinary action taken.
  - (3) Notwithstanding the provisions of paragraph (2) above, all other provisions regarding disciplinary reporting remain in effect.

**Authority:** T.C.A. §§ 63-1-126, 68-1-101, and 68-11-218. **Administrative History:** Original rule filed September 6, 2018; effective December 5, 2018.