

West's Tennessee Code Annotated

Title 38. Prevention and Detection of Crime

Chapter 1. Miscellaneous Provisions

Part 1. Evidence of Crimes

T. C. A. § 38-1-101

§ 38-1-101. Health care providers; certain injuries; reports

Effective: May 10, 2019

Currentness

(a)(1) All hospitals, clinics, sanitariums, doctors, physicians, surgeons, nurses, pharmacists, undertakers, embalmers, or other persons called upon to tender aid to persons suffering from any wound or other injury inflicted by means of a knife, pistol, gun, or other deadly weapon, or by other means of violence, or suffering from the effects of poison, or suffocation, or where a wound or injury is reasonably believed to have resulted from exposure to a methamphetamine laboratory or a methamphetamine related fire, explosion, or chemical release, or appears to be suffering from or to have been the victim of female genital mutilation in violation of § 39-13-110, shall report the same immediately to the chief of police, if the injured person is in or brought into or the injury occurred in an incorporated town or city, or to the sheriff if the injured person is in or brought into or the injury occurred in the county outside the corporate limits of any incorporated town or city, and shall also, in either event, report the same immediately to the district attorney general or a member of the district attorney general's staff of the judicial district in which the injured person is, or has been brought into, or the injury occurred. Such report shall state the name, residence, and employer of such person, if known, such person's whereabouts at the time the report is made, the place the injury occurred, and the character and extent of such injuries.

(2) No later than January 15 of each year, district attorneys general shall report the number of reports of a person who appeared to be suffering from or to have been the victim of female genital mutilation in violation of § 39-13-110 received pursuant to subdivision (a)(1) to the senate judiciary committee and the judiciary committee of the house of representatives.

(b) Injuries to minors that are required to be reported by § 37-1-403 are not required to be reported under this section.

(c)(1) Where a person acts in good faith in making a report under subsection (a), that person shall be immune from any civil liability and shall have an affirmative defense to any criminal liability arising from that protected activity.

(2) There exists a rebuttable presumption that a person making a report under subsection (a) is doing so in good faith.

(d) For purposes of this part, "person" means any individual, firm, partnership, co-partnership, association, corporation,

governmental subdivision or agency, or other organization or other legal entity, or any agent, servant, or combination of persons thereof.

(e)(1) The reporting provisions in subsection (a) do not apply if the person seeking or receiving treatment:

(A) Is 18 years of age or older;

(B) Objects to the release of any identifying information to law enforcement officials; and

(C) Is a victim of a sexual assault offense or domestic abuse as defined in § 36-3-601.

(2) This exception shall not apply and the injuries shall be reported as provided in subsection (a) if the injuries incurred by the sexual assault or domestic abuse victim are considered by the treating healthcare professional to be life threatening, or the victim is being treated for injuries inflicted by strangulation, a knife, pistol, gun, or other deadly weapon.

(3) A hospital, healthcare provider or other person who is required to report under subsection (a) shall be immune from civil liability for not reporting if in good faith the hospital, healthcare provider or other person does not report the injury in order to comply with this subsection (e).

(4) If a person injured as provided in subsection (a) is first treated by an EMT, EMT-P, emergency medical or rescue worker, firefighter or other first responder, it shall not be the duty of the first responder to determine if the patient comes within the provisions of subdivision (e)(1). If the first responder transports the patient to a healthcare facility, the first responder's duty is to notify the treating physician or emergency room staff at the facility of the suspected cause of the patient's injury. If the patient is not transported to a healthcare facility, the first responder shall report the result of the call to the 911 center.

Credits

1943 Pub.Acts, c. 107, § 1; 1963 Pub.Acts, c. 247, § 1; 1965 Pub.Acts, c. 60, § 7; 1973 Pub.Acts, c. 81, § 5; 2005 Pub.Acts, c. 18, § 4, eff. March 30, 2005; 2012 Pub.Acts, c. 688, §§ 1, 2, eff. April 10, 2012; 2012 Pub.Acts, c. 817, § 1, eff. July 1, 2012; 2012 Pub.Acts, c. 1093, § 1, eff. May 21, 2012; 2018 Pub.Acts, c. 619, § 1, eff. July 1, 2018; 2019 Pub.Acts, c. 345, § 50, eff. May 10, 2019.

Formerly 1950 Code Supp., § 5717.32; Williams' Code, § 5717.35; § 38-601.

T. C. A. § 38-1-101, TN ST § 38-1-101

Current through the end of the 2020 Second Extraordinary Session of the 111th Tennessee General Assembly. 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.

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