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# House of Representatives State of Tennessee

NASHVILLE

November 15<sup>th</sup>, 2021

## COMMITTEES

CHAIR GOVERNMENT OPERATIONS COMMITTEE

EDUCATION ADMINISTRATION COMMITTEE

EDUCATION INSTRUCTION COMMITTEE

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SOUTHERN STATES ENERGY BOARD EXECUTIVE COMMITTEE

SOUTHERN LEGISLATIVE CONFERENCE ENERGY COMMITTEE

Transmitted on Paper & Electronically

To: Melanie Blake, M.D., President  
Tennessee Board of Medical Examiners  
710 James Robertson Parkway  
Nashville, TN 37243

Subject: Requirement to Delete the Tennessee Board of Medical Examiners' Statement on Medical Misinformation or Disinformation Regarding COVID-19 or Appear Before the Joint Government Operations Committee to Explain Inaction

Reference:

- a. Tennessee Code Annotated (T.C.A.) § 14-1-101
- b. T.C.A. § 14-4-104
- c. Statement on Medical Misinformation or Disinformation Regarding COVID-19, dated: 21 September 2021, distribution unspecified
- d. My letter to you, dated 22 Oct 2021, same subject as reference c.
- e. Your letter to me, dated 8 Nov 2021, same subject as reference c.
- f. My email to you, dated 8 Nov 2021 22:49, same subject as reference c.
- g. Your email to me, dated 9 Nov 2021 13:47, same subject as reference c.
- h. T.C.A. § 4-5-102(10)
- i. T.C.A. § 4-5-102(12)
- j. T.C.A. § 63-6-101
- k. T.C.A. § 63-6-214

President Blake:

1. This communication emphasizes your organization's requirement to promptly delete reference c., above, not later than 29 November 2021. Governor Lee signed the bill containing references a. and b., above, on 12 November 2021, making these sections, among others, law immediately. If you fail to act promptly, your organization will be required to appear before the Joint Government Operations Committee to explain your inaction.

2. Reference a., above, defines adverse action. References b., h., and i., above, make it clear that adverse actions that "affect private rights, privileges or procedures available to the public" must be put in place via rule making processes specified in title 4, chapter 5 of the T.C.A.

*(continued on page 2)*

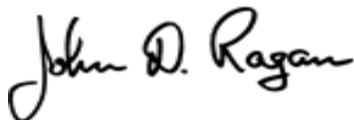
3. For purposes of clarity, reference b., above, is herewith quoted: “Notwithstanding title 63 or 68 to the contrary, any disciplinary process, or action taken pursuant to such process, that is implemented by a health-related board regarding the dispensing or prescribing of medication for COVID-19 must be promulgated as a rule pursuant to title 4, chapter 5.”

4. Please note that giving a patient information during the dispensing or prescribing of medication for COVID-19 is medically essential. However, such can create a potential conflict with reference c., above. Regrettably, your organization has not defined the title terms of reference c., above. Therefore, your organization’s public posting of reference c., above, creates a conflict with reference b., above. Consequently, this situation requires you to promptly delete reference c., above, until an appropriate rule can be promulgated pursuant to title 4, chapter 5 of the T.C.A.

5. Reference g., above, indicates that you do not plan to even consider action until January of 2022. Such delay is unacceptable given the issue was brought to your attention in reference d., above, three weeks ago. Moreover, reference d., above, was dispatched to you 13 days prior to the 3 November 2021 meeting of your board, giving ample time for adding it to the agenda for action.

6. In summary, your organization must delete reference c., above, without delay. Such immediate action is required by laws newly in effect. If you fail act promptly, your organization will be required to appear before the Joint Government Operations Committee to explain your inaction.

Sincerely,



Chair, Government Operations Committee

cc: Lieutenant Governor Randy McNally  
Speaker of the House Cameron Sexton  
Majority Leader William Lamberth  
Majority Caucus Chair Jeremy Faison  
Chairman Kerry Roberts  
Vice-Chair Jay Reedy  
Dr. Lisa Piercey, Commissioner, Tennessee Department of Health