

Tennessee Medical Ethics Defense Act: Patient Factsheet

What is the Tennessee Medical Ethics Defense Act?

- This law lets people in healthcare refuse to do certain things that they feel are morally or ethically wrong. The law protects them from being punished in any way. Tenn. Code Ann. § 63-1-903



Does this mean someone in healthcare, like a doctor or nurse, can do something to me I don't want?

- No. To perform a procedure on you without your informed consent, outside of a few extremely specific circumstances, is a crime. This law means that a person in healthcare can't do anything to you – they can only say no when you ask.

What kind of people in healthcare does this apply to? What does "person in healthcare" mean?

- The law says that a person in healthcare means anyone connected with providing healthcare. This means doctors, nurses, pharmacists, psychiatrists, ambulance drivers, receptionists, orderlies, janitors, and valets – basically anyone who is even slightly involved in providing health services.

What does conscience mean?

- Conscience means a sincere belief that someone has for ethical, moral, or religious reasons.

Can this be used to discriminate, or refuse care, against me based on my race, color, sex, age, religion, disability, or where I'm from (national origin)?

- No. Tennessee and federal civil rights law says someone can't do that. If you think a person in healthcare is unlawfully discriminating against you based on your race, color, sex, age, disability, or where you're from (national origin), you can file a civil rights complaint on the U.S. Department of Health and Human Services' website.

How do we know if someone really holds a belief or if they're just making it up?

- Tennessee's law doesn't give us a good way to figure that out. Courts are the judges of whether someone is telling the truth or not.

Could this be used to deny me medication?

- Yes, if the physician or pharmacist has a sincere ethical, moral, or religious belief for doing so.

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What kind of care CAN be refused?

- Any objection that is grounded in a sincerely held ethical, moral, or religious belief is probably legally okay under this law. This means that hotly-debated healthcare issues like abortion, gender affirming care, and certain types of end-of-life care can be refused. Here are some examples where a person in healthcare could likely refuse to provide care:
 - (1) A transgender man is refused their hormonal supplement by a pharmacist, who cites a religious objection. This is likely allowed under Tennessee's law.
 - (2) A terminally-ill, elderly patient is denied the drugs that would allow them to end their life prematurely. This is likely allowed under Tennessee's law.
 - (3) An unmarried teenage woman, with their parents' consent, seeks to have an IUD implanted for birth control. Their healthcare provider, citing a religious objection to pre-marital sex, denies their request and refuses to refer the woman to someone who will fulfill their request. This is likely allowed under Tennessee's law.

What are my safe zones—kinds of care that a hospital CAN'T refuse?

- If a hospital has an ER, they must receive you and treat you appropriately or refer you to a hospital that can. This includes if you are in labor. If you're about to harm yourself, hospitals can't refuse you either. If you have a contract with a hospital to get certain procedures already, they can't go back on their word. Here are some examples where the hospital would likely legally have to provide care, even if a healthcare provider had a conscientious objection:
 - (1) A person who uses drugs is admitted to the emergency room for a broken arm.
 - (2) A woman in labor is brought to the hospital.
 - (3) A cancer patient, through their insurance company, has contracted with a hospital to receive blood infusions. While receiving blood infusions, they tell a nurse they are gay.

What if a patient needs an emergency abortion? Can a physician refuse that?

- We don't know yet, but we think the answer might be yes.

What if I find a doctor in Tennessee who will do something illegal in this state, like help my minor child transition or provide an abortion under most circumstances? Will the conscience law protect them and help me get the care I need?

- No. If it's illegal in Tennessee, they can't do it, no matter what.

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