

FILED
Date _____
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Comm. Amdt. _____

Amendment No. 4 to HB3035

**Kisber
Signature of Sponsor**

AMEND Senate Bill No. 3107

House Bill No. 3035*

as amended by House Health and Human Resources Committee Amendment 1, by deleting the language ‘ “family child care home, "group child care home," and "prescribed child care center" ‘ in Section 71-3-501(a) of SECTION 2, as amended and by substituting instead the language ‘ “family child care home and “group child care home” ‘ .

AND FURTHER AMEND by deleting Section 71-3-501(b)(11) of SECTION 2, as amended, in its entirety and by renumbering the remaining subdivision accordingly.

AND FURTHER AMEND by deleting the punctuation and language “, a group child care home, or who operate a prescribed child care center” in Section 71-3-502(a)(1) of SECTION 3, as amended, and by substituting instead the language “or group child care home”.

AND FURTHER AMEND by deleting Section 71-3-502(g)(6) of SECTION 3, as amended, in its entirety and by re-numbering the remaining subdivision accordingly.

AND FURTHER AMEND by deleting the language “child care centers and prescribed child care centers” in the first sentence of Section 71-3-502(h) of SECTION 3, as amended, and by substituting instead the language “and child care centers”.

AND FURTHER AMEND by deleting Section 71-3-511(e) of SECTION 12, as amended, in its entirety and by re-designating subsequent subsections accordingly.

AND FURTHER AMEND by deleting the language “group child care home, child care center or prescribed child care center” wherever it appears in subsections (a) and (b) of Section 71-3-512 of Section 13, as amended, and by substituting instead the language “group child care home or child care center”.

AND FURTHER AMEND by deleting the punctuation and language ‘ “, “family child care homes”, and “prescribed child care centers” ‘ , in subsection (c) of Section 49-1-1002 of

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SECTION 42, as amended, and by substituting instead the language ‘ “or family child care homes” ‘.

AND FURTHER AMEND by deleting the language “group child care home, family child care home, or prescribed child care center” in the amendatory language of SECTION 52, as amended, and by substituting instead the language “group child care home or family child care home”.

AND FURTHER AMEND by deleting the punctuation and language “, group child-care homes and prescribed child-care centers” in subdivision (2) of the amendatory language of SECTION 61, as amended, and by substituting instead the language “and group child care homes”.

AND FURTHER AMEND by adding the following new SECTIONS to be added immediately preceding the severability clause of the bill, as amended:

SECTION____. Tennessee Code Annotated, Section, 68-11-201, is amended by adding the following as a new appropriately designated subdivision:

() “Prescribed child care center” means a nonresidential child care, health care/child care center providing physician prescribed services and appropriate developmental services for six (6) or more children who are medically and/or technology dependent and require continuous nursing intervention. Child care for purposes of this section means the provision of supervision, protection, and meeting the basic needs of children, who are not related to the primary caregivers, for three (3) or more hours a day, but less than twenty-four (24) hours a day.

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SECTION _____. Tennessee Code Annotated, Section 68-11-202(a)(1), is amended by inserting the language “prescribed child care centers,” immediately following the language “birthing centers,”.

SECTION _____. Tennessee Code Annotated, Section 68-11-204(a)(1), is amended by inserting the language “prescribed child care center,” immediately following the language “birthing center,”.

SECTION _____. Tennessee Code Annotated, Section 68-11-204(c), is amended by inserting the language “prescribed child care centers,” immediately following the language “birthing centers,”.

SECTION _____. Tennessee Code Annotated, Section 68-11-206, is amended by inserting the language “prescribed child care center,” immediately following the language “birthing center,” wherever found.

SECTION _____. Tennessee Code Annotated, Section 68-11-209(a), is amended by inserting the language “prescribed child care centers,” immediately following the language “birthing centers,”.

SECTION _____. Tennessee Code Annotated, Section 68-11-209(c)(1), is amended by inserting the language “prescribed child care center” immediately following the language “birthing center”.

SECTION _____. Tennessee Code Annotated, Section 68-11-210(a)(1), is amended by inserting the language “prescribed child care center,” immediately following the language “birthing center,”.

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SECTION _____. Tennessee Code Annotated, Section 68-11-210(b)(2)(A), is amended by inserting the language “prescribed child care center,” immediately following the language “birthing center,” .

SECTION _____. Tennessee Code Annotated, Section 68-11-213, is amended by inserting the language “prescribed child care center” immediately following the language “birthing center, ” wherever found.

SECTION _____. Tennessee Code Annotated, Section 68-11-213, is amended by adding the following as a new subsection (d):

“(d)(1) The department may assess a civil penalty not to exceed one thousand dollars (\$1,000) against any person or entity operating a prescribed child care facility without the license required by this chapter or in violation of any other statute or regulation promulgated hereunder. Each day of operation is a separate offense.

(2) The board is specifically authorized to promulgate regulations for the assessment and procedures to be used in the assessment of civil penalties against a prescribed child care center, including but not limited to, a schedule of the minimum and maximum penalties, factors to be considered in making the assessment, procedures to be used in the assessment, appeals, and finality of assessments.

(3) The board is authorized to conduct contested cases regarding appeals of the penalties assessed pursuant to this subsection.”

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SECTION _____. Tennessee Code Annotated, Section 68-11-216(b)(1), is amended by inserting the language "prescribed child care centers" immediately following the language "birthing centers, ".

SECTION _____. Tennessee Code Annotated, Section 68-11-219(a), is amended by inserting the language "prescribed child care center" immediately following the language "birthing center, " .

SECTION _____. Tennessee Code Annotated, Section 68-11-222(a), is amended by inserting the language "prescribed child care centers," immediately following the language "birthing centers, " .

SECTION _____. Tennessee Code Annotated, Title 68, chapter 11, part 2, is amended by adding the following language in a new appropriately numbered section:

68-11-2____. (a) All prescribed child care centers as defined in § 68-11-201 shall initiate a criminal background check on any person who is employed by or who wishes to volunteer in a capacity which involves providing direct care to a child, prior to or within seven (7) days of employment or provision of services. Any person who applies for employment for in a position or who wishes to volunteer in a capacity which involves providing direct care to a child in such a facility shall consent to:

(1) Provide past work and personal references to be checked by the prescribed child care center; and/or

(2) Agree to the release of any and all information and investigative records to the prescribed child care center or its agent, or to

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any agency that contracts with the state of Tennessee necessary for the purpose of verifying whether the individual has been convicted of a felony in the state of Tennessee; and/or

(3) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, other law enforcement agency, or any legally authorized entity; and/or

(4) Release any information required for a criminal background investigation by a professional background screening organization or criminal background check service or registry.

(b) Any costs incurred by the Tennessee bureau of investigation, professional background screening organization, law enforcement agency or other legally authorized entity, in conducting such investigations of such applicants or volunteers may be paid by the prescribed child care center, or any agency that contracts with the state of Tennessee requesting such investigation and information, or the individual who seeks employment or is employed or volunteer. Payments of such costs to the Tennessee bureau of investigation are to be made in accordance with the provisions of Tennessee Code Annotated, § 38-6-103 and 38-6-109.

(c) A prescribed child care center which declines to employ or terminates a person based upon information provided to the facility under this act shall be immune from suit by or on behalf of that person for the termination of or the refusal to employ that person.