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Amendment No. 1 to SB1786

**Ford J
Signature of Sponsor**

AMEND Senate Bill No. 1786

House Bill No. 1865*

by deleting in its entirety subsection (a) of Section 4 of the printed bill and by substituting instead the following language:

(a)(1) The department of health shall include the name of an individual on the registry when it receives notification from an agency of Tennessee state government that the individual has been found by that agency, pursuant to that agency's procedures and definitions, to have abused, neglected, or misappropriated the property of a vulnerable person who is under eighteen (18) years of age, or who, by reason of advanced age or other physical or mental condition is vulnerable to abuse, neglect, or misappropriation of property, and who was at the time of such determination, in the care of:

- (i) a state agency;
- (ii) an entity which is licensed or regulated by a state agency; or
- (iii) an entity, under the provisions of a contract between that entity and state agency;

(2) Such notification shall consist of a copy of a final administrative order, a judicial order, or other evidence indicating that the agency has afforded the alleged perpetrator an opportunity for an administrative due process hearing pursuant to the requirements of the Uniform Administrative Procedures Act compiled in title 4, chapter 5, part 3 or equivalent judicial or administrative procedures; provided, that nothing in this part shall require the state agency to establish any new procedures or to modify any existing procedures it may use for the provision of due process to an alleged perpetrator.

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(3) Such notification shall include the alleged perpetrator's last known mailing address, social security number, and the agency's definition of abuse, neglect, or misappropriation of property which it used in making the determination.

AND FURTHER AMEND by deleting in its entirety Section 6 of the printed bill, and by substituting instead the following language:

SECTION 6. Tennessee Code Annotated, Section 68-11-1006, is amended by deleting the Section in its entirety and by substituting instead the following new language:

68-11-1006. Agencies or entities required to consult registry prior to hiring employees or utilizing volunteers. -- (a) Any:

(1) state agency under titles 33, 37, 68 or 71;

(2) entity licensed by a state agency as defined in subdivision (1); or

(3) entity under the provisions of a contract between that entity and a state agency, as defined in subdivision (1), which has in its care any individual who is under eighteen (18) years of age, or who, by reason of advanced age or physical or mental condition is vulnerable to abuse, neglect, or misappropriation of property, shall before hiring any employee to provide care to such vulnerable person, or before allowing a volunteer to do so, must determine whether the prospective employee or volunteer is listed on the registry.

(b) No employee or volunteer who is listed on the registry may be hired or otherwise permitted to provide such care where prohibited by federal certification requirements applicable to that entity or state agency.

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AND FURTHER AMEND by deleting in its entirety subsection (b) of Section 8 of the printed bill and by substituting instead the following language:

(b) A licensing authority which refuses to license a person listed on the registry established by this part, or which refuses to license an entity which employs or allows such a person to provide care to vulnerable persons, or a person or entity which declines to employ or otherwise utilize such a person, or which terminates such a person, shall be absolutely immune from suit by or on behalf of that person and from any liability for such actions based upon the person's listing on the registry.