

SENATE BILL 2329

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 63,
relative to health related boards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-1-131, is deleted in its entirety.

SECTION 2. Tennessee Code Annotated, Section 63-1-132, is amended by deleting the existing language in its entirety and substituting instead the following new language:

(a) The director of the division of health related boards has the power, duty, and responsibility to:

(1) Employ all staff assigned or performing duties for the agencies attached to the division;

(2) Promulgate rules and regulations for all administrative functions and activities of the agencies attached to the division as well as all issues that affect more that one (1) of the agencies attached to the division;

(3) Employ all consultants, investigators, inspectors and other personnel necessary to carry out the function of all of the agencies attached to the division;

(4) Maintain a central filing system for official records and documents of all agencies attached to the division;

(5) Provide office space and necessary quarters for the agencies attached to the division;

(6) Assign personnel to staff such agencies in order to ensure the most efficient use of personnel;

(7) Perform such other duties as the commissioner may prescribe, or as may be prescribed by law

(b) Any employment of personnel or consultants by the division shall be in accordance with the rules, regulations, and standards of the departments of human resources and finance and administration.

SECTION 3. Tennessee Code Annotated, Section 63-1-138, is amended by deleting the existing language in its entirety and substituting instead the following new language:

(a) All health-related boards and committees attached to the division may utilize one (1) or more screening panels as a settlement conference tool to resolve complaints against persons licensed or required to be licensed under Title 63 and Title 68. For the purposes of this section “person” means individual, partnership, association, corporation, or entity.

(b) The screening panel members shall have a deliberative privilege and the same immunity as provided by law for the boards, and are not subject to deposition or subpoena to testify relative to any matter or issue raised in any contested case, criminal prosecution, or civil lawsuit that may result from or be incident to cases processed before them.

(c) Any documents or records produced at the screening panel shall not be a public record until the filing of a notice of hearing and charges and such documents or records form the basis for the filing of the notice of hearing and charges.

(d) Screening panel members shall be either current or former board or committee members and may include a consumer member. A board or committee member serving on a screening panel for a particular case shall not participate in a contested case proceeding in that same case.

(e) No board or committee has the authority to compel any persons to participate in a screening panel and no prejudice will be incurred if a person chooses not to participate in or accept the offer of the screening panel.

SECTION 4. Tennessee Code Annotated, Sections 63-4-115(g), 63-6-214(i)(1), 63-7-115(3), and 63-31-112, are deleted in their entirety.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.