

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2284 – SB 2297

May 17, 2010

SUMMARY OF AMENDMENTS (017539, 018731): Deletes all language after the enacting clause. Effective October 1, 2010, requires a licensed health care professional or health care facility, prior to contracting with or employing any person providing direct patient care for whom a background check has not been completed, to initiate and perform a registry check including a search with the national sex offender registry or any adult abuse registry maintained for a state in which the person has lived in the previous seven years or the Department of Health's elder abuse registry. Prohibits the health care professional or facility from employing or contracting with a person if he or she is listed in a registry. A health care professional or facility that complies with the provisions of the bill is immune from civil or criminal liability from any action brought against the professional or facility based solely upon the information collected through the registry check. Requires the Department of Health, the Board for Licensing Health Care Facilities, and any applicable health related board to post on their Web sites a link to all potential databases that the professionals and facilities are required to check. The boards are required to notify its licensees annually through newsletters and renewals of their obligations under the statute. The provisions of the bill do not apply to veterinarians or to contracted external staff who provides cleaning, maintenance, or other services where direct patient contact is not intended.

Amendment 018731 requires each organization contracting with the Division of Intellectual Disabilities Services (DIDS) to have a criminal background check completed prior to employing any person who will provide direct care to a service recipient or prior to a current employee being changed to a position that will provide direct care to a service recipient.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$74,900/One-Time
\$1,055,900/Recurring

Increase Federal Expenditures - \$18,700

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

**Increase State Expenditures – Not Significant/General Fund
/Health Related Boards
/Board for Licensing Health Care Facilities**

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Assumptions applied to amendments:

- The applicable licensing boards within the Division of Health Related Boards and the Board for Licensing Health Care Facilities will be responsible for regulating the provisions of the bill. This will be accomplished during annual inspections of facilities and through complaint investigations for noncompliance. Any increase in expenditures will not be significant and can be accommodated within the existing resources of the Boards.
- There will not be a significant increase in expenditures for the Department of Health and the applicable boards to include a link to the registries on their Web sites. Any cost can be accommodated within existing resources.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2009, the Division had a balance of \$2,622,464.27. The Board for Licensing Health Care Facilities had a balance of \$110,798.34 for FY08-09.
- Currently, organizations contracting with DIDS are required to have completed a background check within 10 days of employing an individual or changing the responsibilities of a current employee to a position that involves the direct care of a service recipient. The bill as amended requires the organization to complete the background check prior to employment or a change in responsibilities which may result in a delay in the organization being able to fill a position.
- There will not be a significant impact to DIDS or the current licensure practices of the Department of Mental Health and Developmental Disabilities. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/kml