

Amendment No. 2 to SB1522

Beavers
Signature of Sponsor

AMEND Senate Bill No. 1522*

House Bill No. 2008

By deleting SECTION 2, as amended by Amendment No.00591071, and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 20-4-104, is amended by deleting the section in its entirety and substituting instead the following:

For all civil actions, if the defendant is not a natural person, the action shall be brought in:

(1) The county where all or a substantial part of the events or omissions giving rise to the cause of action accrued, or

(2) The county where any defendant organized under the laws of this state maintains its principal office; or

(3)

(A) If the defendant is not organized under the laws of this state, the county where the defendant's registered agent for service of process is located; or

(B) If the defendant does not maintain a registered agent within this state, the county where the person designated by statute as the defendant's agent for service of process is located.

FURTHER AMEND by adding the words "physicians and nurses" between the words "those" and "employed" in subsection (a)(4) of §29-26-101 of the amendatory language of Section 8.

FURTHER AMEND by deleting from subdivision (a)(4) of § 29-26-101 in the amendatory language of Section 8 as amended, the language "health care" and substituting instead the language "health care services"; and by deleting the language "orderlies," and substituting

instead the language “advance practice nurses, physician assistants, nursing technicians, pharmacy technicians, orderlies,”.

FURTHER AMEND By deleting the word “or” in the second line of subsection (a)(5) in § 29-26-101 in Section 8 of the bill and inserting a “,” in its stead and by inserting the following language at the end of subsection (a)(5):

, or any legal entity that is not itself required to be licensed but which employs one or more health care practitioners licensed, authorized, certified, registered, or regulated under any chapter of titles 63 or 68.

FURTHER AMEND By deleting the language “, but is not limited to,” in subsection (c) of § 29-26-101 in Section 8 of the bill and adding the following language between the words “care by” and “physicians”:

health care providers, which includes care by

FURTHER AMEND By deleting the word “but” and replacing it with the word “and” in subsection (c) of § 29-26-101 in Section 8 of the bill.

FURTHER AMEND By adding the language “advance practice nurses, physician assistants, nursing” before the word “technicians” in subsection (c) of § 29-26-101 in Section 8 of the bill.

FURTHER AMEND by deleting subdivision (h)(2) of § 29-39-102 and subdivision (a)(7)(B) of § 29-39-104 in Section 10 as amended and replacing it with the following:

If the defendant intentionally falsified, destroyed or concealed records containing material evidence with the purpose of wrongfully evading liability in the case at issue, provided, however, that this subsection does not apply to the good faith withholding of records pursuant to privileges and other laws applicable to discovery, nor does it apply to the management of records in the normal course of business or in compliance with the defendant’s document retention policy or state or federal regulations; or

FURTHER AMEND By adding at the end of § 29-39-102 in Section 10 of the bill the following new subsection:

(n) The limitations on noneconomic damages in § 29-39-102 shall apply to restrict such recoveries in all civil actions notwithstanding conflicting statutes or common law.

FURTHER AMEND by adding the following new sections immediately preceding the first severability clause:

SECTION _____. Tennessee Code Annotated, Section §47-18-104(b) is amended by deleting the language “Without limiting the scope of subsection (a), the” and substituting instead the language “The”.

SECTION _____. Tennessee Code Annotated, Section 47-18-109(a)(1) is amended by inserting the language “described in §47-18-104(b) and” before the language “declared to be unlawful by this part”.