

PUBLIC CHAPTER NO. 182**SENATE BILL NO. 2247****By Kyle, Ford****Substituted for: House Bill No. 2328****By Harmon, Odom**

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1, relative to criminal background checks for health care providers.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding the following language as a new appropriately designated section:

63-1-() (a) Each board, council, committee or other governmental entity created pursuant to Tennessee Code Annotated, Title 63 or Title 68, that is attached to the department is hereby authorized to promulgate all rules and regulations necessary for obtaining criminal background information from applicants prior to the issuance of any licenses, certificates, registrations or other authorizations required to practice any of the health related professions regulated by that board, council, committee or other governmental entity. The respective board, council, committee or other governmental entity may utilize, either individually or in combination, any of the following methods in furtherance of the objectives of this section.

(1) Query the Tennessee Bureau of Investigation's (TBI) Tennessee criminal history records system for any or all of the following information:

(A) Tennessee criminal history records;

(B) Tennessee Repository for Apprehension of Persons (TRAP);

(C) State of Tennessee Orders of Protection files (STOP);
and

(D) Criminal history records of the federal government and other states to which TBI may have access. Criminal history records of the Federal Bureau of Investigation may be obtained for the reasons listed above, only if fingerprints are obtained and submitted through the TBI;

(2) Require applicants to provide any and all information and investigative records to the board, the division or its agent, or to any agency that contracts with the State of Tennessee, that is necessary for

the purpose of verifying whether the applicant has been convicted of a crime;

(3) Require applicants to 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

(4) Require applicants to supply any sample or release any information required for a criminal background investigation by a professional background screening organization or criminal background check service or registry.

(b) All costs associated with the required criminal background checks shall be paid by the applicant. Payments of any such costs required to be made to the Tennessee Bureau of Investigation shall be made in accordance with the provisions of §§ 38-6-103 and 38-6-109.

(c) Any board, council, or committee or other governmental entity that denies an application or restricts or conditions any authorization to practice based upon information provided to it under this act shall be immune from suit by or on behalf of that applicant for the denial, restriction or condition.

(d) Initial rules promulgated pursuant to this section may be promulgated as public necessity rules pursuant to § 4-5-209(a)(4).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 2, 2007



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 16th day of May 2007



PHIL BREDESEN, GOVERNOR