

HOUSE BILL 2044

By Kernell

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 3, Part 5, relative to child care.

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

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, Part 5, is amended by adding a new section thereto, as follows:

§ 71-3-5__.

(a) The department shall develop and administer a child care assistance program for low income and at risk children, which shall be known as the Tennessee Child Care Certificate Program, and may be referred to as “the program” in this section.

(b) In order to participate in the program, a child care provider shall contract with the state pursuant to the requirements of this section. The department shall develop and issue regulations for the Tennessee Child Care Certificate Program pursuant to the provisions of the Uniform Administrative Procedures Act, compiled at title 4, chapter 5, part 2. The regulations shall cover all material terms of the contracts required for participation in the program, and the department shall begin the promulgation process immediately after the effective date of this act.

(c) In the event that the department determines the provider’s breach should result in the termination of the contract or the withholding of more than twenty-five percent (25%) of the provider’s average monthly compensation for the lesser of the preceding twelve (12) months or the total number of months the provider has participated in the program, the department shall notify the provider of the department’s proposed action via certified mail thirty (30) days prior to taking the proposed action.

(d) If the provider disagrees with the proposed action of the department, the provider may file a complaint with the Tennessee claims commission. If the complaint is filed, the commission shall hold an expedited hearing within thirty (30) days of filing in order to determine whether the provider has breached the contract. The department shall not be authorized to take the proposed termination or withholding action until the commission determines that the provider has committed a material breach of their contract. Either party may appeal a decision of the commission to the Davidson county chancery court, provided that the decision of the commission may not be stayed by the reviewing court during the pendency of the appeal.

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

it.