

SENATE BILL 2055

By Tate

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 62 and Title 63, relative to professions.

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

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 76, Part 1, is amended by adding the following as a new section:

(a) Every board created pursuant to this title shall create a remediation subcommittee for the purpose of offering a licensee, who has been cited for a licensure violation, the option to have the licensure violation remediated prior to the board applying penalties to, or suspending or revoking the license of, the cited licensee.

(b) Subcommittee members shall:

(1) Be licensees in good standing;

(2) Assist cited licensees in correcting licensure violations on a voluntary basis;

(3) Monitor, for a period of thirty (30) days, cited licensees who have corrected licensure violations pursuant to working with the subcommittee; and

(4) Report to the board as to whether the licensee has successfully corrected the licensure violation without further violation for the thirty-day period described in subdivision (b)(3) or whether the licensee failed to correct the violation or failed to remain in compliance for the thirty-day period. If, at any time, the subcommittee finds that the cited licensee is not cooperating with the remediation process, the subcommittee can report to the board prior to the expiration of the thirty-day period described in subdivision (b)(3).

(c) If a cited licensee chooses to utilize the remediation assistance offered by the remediation subcommittee, the board shall not take any action against the cited licensee or the cited licensee's license until the subcommittee reports to the board pursuant to subdivision (b)(4).

(d) For purposes of this section, "violation" does not include any violation that cannot be corrected by remediation assistance or any criminal offense for which the cited licensee has been convicted by a court.

(e) In the event of a conflict between this section and any other provision in this title, this section controls.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) Every board created pursuant to this title shall create a remediation subcommittee for the purpose of offering a licensee, who has been cited for a licensure violation, the option to have the licensure violation remediated prior to the board applying penalties to, or suspending or revoking the license of, the cited licensee.

(b) Subcommittee members shall:

(1) Be licensees in good standing;

(2) Assist cited licensees in correcting licensure violations on a voluntary basis;

(3) Monitor, for a period of thirty (30) days, cited licensees who have corrected licensure violations pursuant to working with the subcommittee; and

(4) Report to the board as to whether the licensee has successfully corrected the licensure violation without further violation for the thirty-day period described in subdivision (b)(3) or whether the licensee failed to correct the violation or failed to remain in compliance for the thirty-day period. If, at any time, the subcommittee finds that the cited licensee is not cooperating with the

remediation process, the subcommittee can report to the board prior to the expiration of the thirty-day period described in subdivision (b)(3).

(c) If a cited licensee chooses to utilize the remediation assistance offered by the remediation subcommittee, the board shall not take any action against the cited licensee or the cited licensee's license until the subcommittee reports to the board pursuant to subdivision (b)(4).

(d) For purposes of this section, "violation" does not include any violation that cannot be corrected by remediation assistance or any criminal offense for which the cited licensee has been convicted by a court.

(e) In the event of a conflict between this section and any other provision in this title, this section controls.

SECTION 3. For purposes of promulgating rules and establishing the remediation subcommittees, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2019, the public welfare requiring it, and shall apply to licensure violations occurring on or after January 1, 2019.