HOUSE BILL 1936

By Odom

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7; Title 63 and Title 68, relative to access to records.

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

SECTION 1. Tennessee Code Annotated, Section 63-1-117, is amended by deleting subsections (g) and (f) and substituting the following:

(f)

(1) The following materials, documents and other matters related to, compiled or created pursuant to an investigation, inspection or survey conducted by department investigators, inspectors or surveyors shall not be a public record before formal disciplinary charges are filed against the provider:

(A) Allegations against the health care provider;

(B) Complainant's identifying information;

(C) Identifying information of a witness who requests anonymity;

(D) Patient's identifying information;

(E) Patient's medical record; and

(F) Investigator's, inspector's, or surveyor's report.

(2) Notwithstanding subdivision (f)(1), the following materials, documents and other matters related to, compiled or created pursuant to an investigation, inspection or survey of an assisted-care living facility licensed under title 68, chapter 11, part 2, that is conducted by department investigators, inspectors or surveyors shall not be a public record before formal disciplinary charges are filed against the provider:

(A) Complainant's identifying information;

(B) Identifying information of a witness who requests anonymity;

(C) Patient's identifying information; and

(D) Patient's medical record.

(g) After the filing of formal disciplinary charges against the provider, only the materials and documents upon which the charges are based may be disclosed as a public record, but not the complainant's identifying information, identifying information of a witness who requests anonymity, patient's identifying information, and patient's medical record.

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