

HOUSE BILL 2240

By Faison

AN ACT to amend Tennessee Code Annotated, Title 38;  
Title 39; Title 63 and Title 68, relative to female  
genital mutilation.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) All hospitals, facilities, and healthcare practitioners shall report to the department of health, within thirty (30) days after the date of treating a person who appears to be a victim of female genital mutilation, as described in § 39-13-110, information about the incident. This report is in addition to the report to law enforcement required pursuant to § 38-1-101. Healthcare practitioners are not required to report information on patients where the healthcare practitioner is aware that the patient's condition has been previously reported pursuant to this section.

(b) The reports required by this section shall be made in the format and shall contain the information required by the department. The department shall make available the necessary information regarding format and data to enable hospitals, facilities, and healthcare practitioners to make accurate reports to the department.

(c) The commissioner or the commissioner's authorized representative may take the steps necessary to avoid duplicate reporting of information on the same patients.

(d) All data obtained from the reports required by this section are confidential and may not be released to the public.

(e) The department shall annually compile and publish a report utilizing the data collected pursuant to this section and shall make these reports available to the governor,

the general assembly, and the public. The report shall contain, at minimum, the number of reported incidents of female genital mutilation in the state during the report period. The department shall ensure that the published report does not contain any information that can be used to identify individual patients.

(f) A hospital, facility, or healthcare practitioner that fails to report information as required by this section shall be informed by the department that compliance with the requirements of this section is mandatory.

(g) A hospital, facility, or healthcare practitioner that reports information to the department or allows the commissioner or the commissioner's authorized representative access to the medical records of patients, as required by this section, shall not be held liable to any person for the release of the information to the department, nor shall the release of the information to the department be construed as a violation of any requirement of law or professional obligation to maintain the confidentiality of patient information.

(h)

(1) Violation of this section by a healthcare practitioner is a violation of the practitioner's practice act, and the appropriate board may take disciplinary action against the practitioner.

(2) Violation of this section by a health care facility is a violation of the facility's license and the board for licensing health care facilities may take disciplinary action against the facility.

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

A healthcare practitioner licensed under this title violates the practitioner's practice act by failing to report as provided in Section 1 of this Act, and the appropriate board may take disciplinary action.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

Compliance with Section 1 of this act is a condition of licensure for a health care facility licensed under this part. The board may take disciplinary action against any facility that fails to comply with Section 1 of this act.

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.