

**PUBLIC CHAPTER NO. 996**

**HOUSE BILL NO. 2616**

**By Representative Lynn**

**Substituted for: Senate Bill No. 2462**

**By Senators Watson, Crowe**

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 63, Chapter 31, relative to the polysomnographic professional standards committee.

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

SECTION 1. Tennessee Code Annotated, Section 4-29-232(a), is amended by deleting subdivision (34) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding a new subdivision thereto, as follows:

( ) Polysomnographic professional standards committee, created by § 63-31-103;

SECTION 3. Tennessee Code Annotated, Section 63-31-103(c), is amended by deleting subdivision (5) in its entirety and by substituting instead the following:

(5) One (1) consumer member who is not commercially or professionally associated with the health care field, either directly or indirectly.

SECTION 4. Tennessee Code Annotated, Section 63-31-103, is amended by adding the following language as a new subsection (d) and by redesignating present subsection (d) and all subsequent subsections accordingly:

(d)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the committee:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the committee shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the committee, prior to serving as a member of the committee. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010;

(B) No person who is a member of the committee shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the committee during such person's period of service as a member of the committee. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010, and to all persons serving on the committee on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the committee shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the committee for one (1) year following the date such person's service on the committee ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the committee as of July 1, 2010 and to persons appointed to the committee subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION 5. The provision in this act prohibiting a consumer who is directly or indirectly associated with the health care field from serving on the committee shall apply to all consumer member appointments made to the committee after July 1, 2010.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 24, 2010**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 2nd day of June 2010



PHIL BREDESEN, GOVERNOR