



## Weekly Legislative Update 2018

FINAL

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## Budget and Appropriations

### **SB2552/HB2644 Appropriations - FY 2017 -2018.**

*Sponsors:* Sen. Norris, Mark , Rep. Sargent, Charles

*Summary:* Makes appropriations for the fiscal years beginning July 1, 2017, and July 1, 2018.

*Amendment Summary:* House amendment 2, Senate Finance, Ways & Means amendment 2 (016000) is the administration amendment. House amendment 3 (013300) is the legislative amendment, which earmarks \$10 million to the department of transportation for the Land, Water and Rail Program for short line railroad repairs, improvements and upgrades. This amendment also earmarks \$11 million for the energy efficient schools grants. Further, earmarks \$11.7 million to TennCare to increase the current DSP staff salary component in the DIDD/provider rate methodology. Moves \$3 million from the LED lighting and control upgrades to charter schools. Makes other appropriations to various departments and programs. House amendment 5 (017393) removes the sum of \$250,000 (non-recurring) that had been appropriated to the Department of Tourist Development for the sole purpose of costs associated with municipal bicentennial celebrations of the City of Memphis.

*Executive Status:* 05/23/18 - Enacted as Public Chapter 1061 effective July 1, 2018 (108 pgs).

*Public Chapter:* PC1061.pdf

*2018 Appropriations Act: State Services Budget:* (T)he General Assembly passed the 2018 Appropriations Act establishing a \$37.7 billion budget for state services in fiscal year 2018-2019. (T)here were several notable investments in the roughly \$880 million budget for DIDD administered programs:

- \$14.7 million in recurring state and federal funds for rate increases related to direct support professionals (DSPs) and case managers. These funds increase DSP hourly wage reimbursements from \$9.15 to \$9.41.
- \$34.3 million in non-recurring state and federal funds to increase DSP hourly wage reimbursement from \$9.41 to \$10.00 per hour. The General Assembly has assigned the Comptroller of the Treasury to ensure that funds intended for DSP wage increases benefit direct care staff. The Comptroller will report back to the state legislature by February 1, 2019 on provider utilization of the funds.



- \$500,000 in recurring state funds to implement the enabling technology project that seeks to utilize technology to increase individual independence for people supported in DIDD programs.
- \$2.4 million in recurring state and federal funds to continue the transition from facility-based to community-based day programs to meet federal home and community based services requirements.
- \$1.0 million in recurring state and federal funds to begin the transition of residents to smaller group homes.
- \$150,000 in recurring state funds to for the purchase of beds and lifts in the state-operated homes on a ten-year replacement cycle.
- \$242,100 in recurring state and other funds for three new internal auditor positions.
- \$35,000 in recurring state and federal funds for the purchase of construction equipment at the Seating and Positioning Clinics.

Open Line, April 27, 2018

**SB2553/HB2646 Statutory revisions required for implementation of the annual appropriations act.**

*Sponsors:* Sen. Norris, Mark , Rep. Sargent, Charles  
*Summary:* Allows for grant payments under the grant assistance program for nursing home care being made monthly or quarterly. Makes statutory revisions required for implementation of the annual appropriations act.  
*Amendment Summary:* House amendment 1, Senate Finance, Ways & Means Committee amendment 1 (013000) deletes all language after the enacting clause. Authorizes transfers of funds from the Department of Safety, Handgun Permit Reserve, to the General Fund in FY17-18.  
*Executive Status:* 05/23/18 - Enacted as Public Chapter 1063 effective May 21, 2018.  
*Public Chapter:* PC1063.pdf

**Criminal Law**

**SB2621/HB2159 Elderly and Vulnerable Adult Protection Act of 2018.**

*Sponsors:* Sen. Norris, Mark , Rep. Keisling, Kelly



*Summary:* Creates a Class E felony offense for abuse of an elderly adult and creates a Class D felony offense for abuse of a vulnerable adult. Also creates the offense of aggravated abuse of an elderly or vulnerable adult and specifies that a violation is a Class C felony if the act results in serious psychological injury or serious physical harm. Also specifies that a violation is a Class B felony if a deadly weapon is used to accomplish the act, the abuse is committed by two or more persons, or the abuse results in serious bodily injury. Creates a Class E felony offense for a caregiver to knowingly neglect an elderly or vulnerable adult, so as to adversely affect the person's health or welfare. Establishes other felony offenses in regard to elderly and vulnerable adults. (10 pp.)

*Amendment Summary:* House amendment 2 (016566) removes references to "psychological injury" and removes provisions regarding sexual exploitation and sexual offenses against an elderly person or vulnerable adult. This amendment also removes the abuse and aggravated abuse offenses (described above in the bill summary). This amendment retains this bill's provisions regarding neglect and financial exploitation, and retains the present law Class D felony of knowingly abusing an adult and the present law Class C felony of knowingly physically abusing an impaired adult which results in serious mental or physical harm. This amendment clarifies what has to be proven in order "to convict" instead of "to prosecute and convict" a person for the offense of aggravated neglect that results in physical harm. This amendment requires a person having reasonable suspicion that an elderly or vulnerable adult is the victim of aggravated rape, rape, aggravated sexual battery, or sexual battery, to report the conduct to adult protective services and to the local law enforcement agency in the jurisdiction where the offense occurred. . In regard to the Class A misdemeanor offense of failing to report, this amendment makes the offense applicable when a person fails to make reasonable efforts to make a report within 48 hours of the event that causes the person to have reasonable suspicion. This amendment deletes from the present law governing the procedure for seeking relief by relative having personal knowledge that an adult has been subject to or threatened with willful abuse, neglect or exploitation the provisions that excludes from the definition of "adult" a person while in the custody of intermediate care facilities for persons with intellectual disabilities and a person while receiving residential services or other services from a community provider through contracts with the department of intellectual and developmental disabilities (DIDD). This amendment specifies that the identity of a person who makes a report of neglect or financial exploitation is confidential and may not be revealed except as otherwise provided by law or upon an order by a court for good cause shown. This amendment makes the provision for adult protective services reporting to law enforcement or public health authorities information from its investigations or records regarding illness, disease, and injuries discretionary instead of mandatory and adds authority to report any offense for which reports are made confidential. This amendment clarifies that the identity of the person who made a report of alleged conduct will be provided



to the district attorney general upon return of a criminal indictment or presentment arising from the report and pursuant to written request by the district attorney and entry of a protective order preventing further release of the identity of the person for any reason other than criminal prosecution. House amendment 3 (017180) specifies that the offense of failure to report suspected neglect, financial exploitation, or a sexual offense against an elderly or vulnerable adult to adult protective services will not apply to a financial service provider or to an employee of a financial service provider acting within the scope of the employee's employment. Senate amendment 3 (017704) adds language to the proposed legislation as amended by Amendment 016566 that adds to the definition of confinement and adds willful to the stipulation of knowingly neglecting an elderly or vulnerable adult. Deletes the 48 hour reporting requirement of abuse of an elderly or vulnerable adult. Changes the effective date from July 1, 2018 to January 1, 2019. Senate amendment 4 (017792) specifies that, except as provided by the Elderly and Vulnerable Adult Financial Exploitation Prevention Act, the offense of failure to report suspected neglect, financial exploitation, or a sexual offense against an elderly or vulnerable adult to adult protective services will not apply to a financial service provider or to an employee of a financial service provider acting within the scope of the employee's employment.

*Executive Status:* 05/23/18 - Enacted as Public Chapter 1050 effective May 21, 2018.  
*Public Chapter:* PC1050.pdf

## Education

### **SB558/HB372 Tom Cronan Physical Education Act.**

*Sponsors:* Sen. Ketron, Bill , Rep. Kane, Roger

*Summary:* Requires each student in elementary school to participate in a physical education class that meets at least twice per week for no less than 60 minutes total. Requires that the teacher of these classes be licensed with an endorsement in physical education. Allows students with medical conditions or disabilities to be excused from this requirement by a physician's certification in writing. Requires each LEA to file an annual report verifying that it has met these requirements.

*Amendment Summary:* Senate Amendment 1 (004654) rewrites the bill. It requires each student in elementary school to participate in physical education twice a week for a total of at least sixty minutes. The teacher must be qualified and have a licensed endorsement in physical education. The classes must accommodate students of all needs, including physical disabilities. Local governments will bear any expenditures. The LEA will look over the schools' physical education programs. The fiscal cost accounts for the fact that some counties do not currently employ full-time physical education teachers. House amendment 2 (012721) deletes and rewrites the bill such that the only



substantive changes are to include language requiring LEAs to provide students with disabilities the appropriate accommodations in physical education classes as prescribed by Individuals with Disabilities Education Act, compiled in 20 U.S.C. sections 1400 et seq., Section 504 of the Rehabilitation Act compiled in 29 U.S.C. sections 701 et seq., or the student's Individualized Education Program (IEP); and to exempt schools in Dyer and Carter Counties from the provisions of the legislation until the 2021-2022 school year.

*Executive Status:* 05/22/18 - Enacted as Public Chapter 0976 effective July 1, 2019.

*Public Chapter:* PC976.pdf

**SB1618/HB1968 Notice to LEAs regarding reports germane to K-12 education.**

*Sponsors:* Sen. Gresham, Dolores , Rep. Rudd, Tim

*Summary:* Requires the commissioner of the department of education to notify LEAs when the office of research and education accountability publishes a report germane to K-12 education. Broadly captioned.

*Amendment Summary:* House amendment 1, Senate amendment 1 (013786) deletes all language after the enacting clause. Deletes the following requirements from Tennessee Code Annotated: Commissioner of the DOE to help LEAs purchase uniform liability insurance; DOE to monitor black history and culture instruction in public schools; LEAs to file an acceptable internet use policy with the Commissioner of the DOE; Attorney General to give assistance and best practices on teaching and practicing internet safety; Interagency programs on children's mental health; Earthquake drills for students that live within 100 miles of the New Madrid fault line; State Board of Education (SBE) to develop guidelines for the use of LEAs to foster foreign language fluency among students; SBE to set a ceiling on LEA spending for special education students; SBE to review policies concerning employees or contractors recommending psychotropic drugs; SBE to make recommendations on internet funding, internet connectivity and eLearning on an annual basis; Commissioner of the DOE to annually advise all LEAs on academic content related to African American history and culture; Requirements related to gang awareness education; Authorization for the SBE to apply for certain federal aid; Several requirements on the Department of Human Services (DHS) related to serving blind residents; and Commissioner of Finance and Administration to approve payments related to homebound students.

*Executive Status:* 04/19/18 - Enacted as Public Chapter 0725 effective April 18, 2018.

*Public Chapter:* PC725.pdf

**SB1649/HB1599 Guidelines for employers of work-based learning students.**

*Sponsors:* Sen. Norris, Mark , Rep. Forgety, John

*Summary:* Specifies that an employer that accepts or employs a student who is receiving a secondary education to participate in work-based learning coordinated through the LEA shall not be liable for actions relating to that



student unless the employer acted willfully or with gross negligence. Authorizes such employer to provide workers' compensation insurance coverage to compensate a participating student for any injury that is covered under Tennessee's Workers' Compensation Law. Requires an LEA that coordinates work-based learning for students receiving a secondary education to maintain liability insurance coverage for all participating students. Establishes a franchise and excise tax credit for an employer for each work-based learning student employed for the tax period covered by the return. Limits the credit allowed to \$5,000 per taxpayer in any year.

*Amendment Summary:*

Senate amendment 2 (017703) deletes and rewrites all language after the enacting clause such that the only substantive changes include: specifies that the bill as amended also applies to WBLs coordinated through a student's state institution of higher education, including, but not limited to, Tennessee Colleges of Applied Technology, and requires institutions of higher education to maintain liability insurance coverage for all students participating in WBL programs and requires a state institution of higher education to maintain liability insurance coverage to compensate any student participating in a WBL opportunity, for any injury which is not covered by an employer's policy for workers' compensation.

*Executive Status:* 05/22/18 - Enacted as Public Chapter 0991 effective May 21, 2018.

*Public Chapter:* PC991.pdf

**SB1663/HB1699 Use of excess instructional time.**

*Sponsors:* Sen. Dickerson, Steven , Rep. Love Jr., Harold

*Summary:* Specifies that excess instructional time may be used for individualized education program team meetings and school-wide or system-wide instructional planning meetings. Requires proposals for use of excess time for instructional planning meetings to be approved by the commissioner of education.

*Executive Status:* 03/26/18 - Enacted as Public Chapter 0592 effective March 22, 2018.

*Public Chapter:* PC592.pdf

**SB1901/HB1870 Special education services association - charter schools.**

*Sponsors:* Sen. Gresham, Dolores , Rep. Dunn, Bill

*Summary:* Requires charter schools overseen by the district to send all excess cost reimbursement funds received due to students generating costs to the individual schools, whereas previously the requirement was only for elementary and high school students. Requires the special education services association to provide services for all the areas within the school districts, including any charter schools participating in it.

*Amendment Summary:* House amendment 1, Senate Education Committee amendment 1 (013939) requires LEA's to include qualifying services to students enrolled in charter schools in the LEA's request for high cost reimbursement.

*Executive Status:* 04/24/18 - Enacted as Public Chapter 0767 effective July 1, 2018.



*Public Chapter:* PC767.pdf

**SB1947/HB2331 Report on use of corporal punishment.**

*Sponsors:* Sen. Crowe, Rusty , Rep. Powell, Jason

*Summary:* Requires each LEA to submit, at least annually, a report to the department detailing the LEA's use of corporal punishment beginning with the 2018-2019 school year. Requires the report to include, at a minimum, information regarding the reason for each use of corporal punishment and whether the instance involved a student with an active individualized education program or an active 504 plan. Requires the department of education to report on the number of instances involving a student with an active individualized education program or an active 504 plan on its website.

*Amendment Summary:* House amendment 1 (015245) adds that LEAs' corporal punishment reports must include, as applicable, the school at which each instance of corporal punishment occurred, the primary disability category for which a corporally disciplined student has an active IEP, and the reason for which a corporally disciplined student has a 504 plan.

*Executive Status:* 04/24/18 - Enacted as Public Chapter 0777 effective April 19, 2018.

*Public Chapter:* PC777.pdf

**SB2013/HB2165 Revises the teacher code of ethics.**

*Sponsors:* Sen. Gresham, Dolores , Rep. Goins, Tilman

*Summary:* Makes additions to the teacher code of ethics. Set requirements for educators reporting any breach of the code. Requires training on the teacher code of ethics for all teacher candidates.

*Amendment Summary:* Senate amendment 1 (013376) adds to the teacher code of ethics that an educator must not on the basis of disability, unfairly: (1) Exclude the student from participation in any program; (2) Deny benefits to the student; or (3) Grant any advantage to the student. House amendment 2 (015793) deletes and replaces language of the legislation to require an educator to report a breach of the teacher code of ethics to their immediate supervisor.

*Executive Status:* 05/16/18 - Enacted as Public Chapter 0937 effective July 1,, 2018.

*Public Chapter:* PC937.pdf

**SB2029/HB2690 Privacy protections for students' education and health records.**

*Sponsors:* Sen. Green, Mark , Rep. Weaver, Terri

*Summary:* Specifies materials a parent or legal guardian is entitled to review concerning their child. Exempts students without written consent from parent or guardian from any non-academic analysis, evaluation, or survey and allows parents or legal guardians access to review materials prior to consenting.

*Amendment Summary:* Senate amendment 1, House amendment 1 (015136) rewrites this bill to require LEAs to provide written notice to a student's parents or legal guardians before the student participates in any mental health screening. The full text of this amendment specifies the contents that must be included





in the notice. Under present law, universal mental health screening is only permitted under the following circumstances: (1) A parent, guardian, legal custodian or caregiver under the Power of Attorney for Care of a Minor Child Act of a child under 16 years of age has provided written, active, informed and voluntarily signed consent that may be withdrawn at any time by the parent, guardian, legal custodian or caregiver under the Power of Attorney for Care of a Minor Child Act; (2) A court requires the mental health evaluation, examination or testing; (3) Emergency screening, evaluation, examination or testing of an individual under the Power of Attorney for Care of a Minor Child Act or screening done in connection with a disaster or epidemic; or (4) Screening required pursuant to the early periodic screening, diagnosis, and treatment program with active, written, informed, voluntarily signed consent that may be withdrawn at any time by the parent, legal guardian, custodian or caregiver under the Power of Attorney for Care of a Minor Child Act who gave the consent.

*Executive Status:* 05/07/18 - Enacted as Public Chapter 0910 effective July 1, 2018.

*Public Chapter:* PC910.pdf

**SB2330/HB2330 Corporal punishment against a disabled student.**

*Sponsors:* Sen. Kyle, Sara , Rep. Powell, Jason

*Summary:* Prohibits the use of corporal punishment against a student with defined disabilities.

*Amendment Summary:* House amendment 1 (014729) creates an exception to this bill's prohibition against the use of corporal punishment against a student with a disability who has an IEP or a Section 504 plan. Under this amendment, corporal punishment could be used if the LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. The written permission must state the type of corporal punishment that may be used and the circumstances in which the use of corporal punishment is permitted. The school's principal or chief administrative officer must: (1) Keep the written permission on file at the school; (2) Notify the parent any time corporal punishment is used and (3) Inform the parent that the parent may revoke the permission to use corporal punishment at any with written notice.

*Executive Status:* 05/03/18 - Signed by governor.

*Public Chapter:* PC900.pdf

**Employment**

**SB2249/HB1824 Division of rehabilitation services - requirements concerning services offered.**

*Sponsors:* Sen. Norris, Mark , Rep. Hawk, David

*Summary:* Authorizes the division of rehabilitation services with approval from the commissioner to contract with public and private entities to provide



rehabilitation services. Authorizes the division of rehabilitation services to create a rehabilitation center at Smyrna. This bill is part of the governor's Administration Package.

*Executive Status:* 04/19/18 - Enacted as Public Chapter 0720 effective April 12, 2018.

*Public Chapter:* PC720.pdf

## Government Organization

### **SB1531/HB1625 Sunset - department of intellectual and developmental disabilities.**

*Sponsors:* Sen. Bell, Mike , Rep. Faison, Jeremy

*Summary:* Extends the department of intellectual and developmental disabilities for four years to June 30, 2022. Requires the department to report back to the committee concerning the findings in its 2017 performance audit report.

*Amendment Summary:* Senate amendment 1 (014239) extends the department of intellectual and developmental disabilities to June 30, 2020.

*Executive Status:* 05/22/18 - Enacted as Public Chapter 1034 effective May 21, 2018.

*Public Chapter:* PC1034.pdf

## Health

### **SB2008/HB2053 Department of health to make available information on Down syndrome to certain persons.**

*Sponsors:* Sen. Massey, Becky , Rep. Staples, Rick

*Summary:* Requires the department of health to make up-to-date information on Down syndrome available to certain persons and to publish the information on the department's website.

*Amendment Summary:* Senate amendment 1 (014458) removes the requirements that the information be reviewed by medical experts and state and national Down syndrome organizations. This amendment also rewrites the written information to be provided, as described above in the bill summary in (1)-(4), to instead require that online information include: (1) Contact information regarding first call programs; (2) National, state, regional, and local Down syndrome organizations; and (3) Other educational and support programs. This amendment also: (1) Authorizes instead of requires that the information be made available on the department's website; (2) States the intent, instead of requirement, that information be made available to individuals who render prenatal care, postnatal care, or genetic counseling to any person who has received a prenatal or postnatal diagnosis of Down syndrome; (3) Removes the requirement that the department make the information available to any person who has received a positive test result from a test for Down syndrome; and (4) Removes the provision whereby the information may be



culturally and linguistically appropriate for a person receiving a positive prenatal diagnosis and for the family of a child receiving a postnatal diagnosis of Down syndrome.

*Executive Status:* 04/24/18 - Enacted as Public Chapter 0773 effective July 1, 2018.

*Public Chapter:* PC773.pdf

**SB2244/HB1820 Revises requirements for nursing homes, assisted care living facilities, and adult care homes.**

*Sponsors:* Sen. Norris, Mark , Rep. Hawk, David

*Summary:* Authorizes the commissioner to halt new admissions to nursing homes, assisted care living facilities and adult care homes if conditions are likely to be detrimental to the health of residents. Nursing homes, assisted care living facilities and adult care homes are required to inform residents verbally and in writing of the right to file a complaint with the state at any time. The complaints are not to be discouraged or retaliated against. The board for licensing health care facilities is authorized to assess penalties to nursing homes, assisted care living facilities and adult care homes if found in severe violation of laws and regulations. Licensed facilities are allowed three opportunities to submit an accepted plan of action. This bill is part of the governor's Administration Package.

*Amendment Summary:* Senate amendment 1 (014435) rewrites this bill. Under present law, in those cases where the conditions of any nursing home, home for the aged, traumatic brain injury residential home or adult care home are, or are likely to be, detrimental to the health, safety or welfare of the patient or resident, the commissioner of health may suspend the admission of any new patients or residents to the facility pending a prompt hearing before the board, or an administrative judge if the board cannot be convened promptly. Within 10 days of receiving this notice or lesser time frame when deemed necessary by the board to ensure the health, safety and welfare of adult care home or traumatic brain injury residential home residents, an adult care home provider or a traumatic brain injury residential home provider shall submit a corrective action plan to the board delineating the measures to be taken to address violations and associated time frames. If it is deemed by the board to be necessary to ensure the health, safety and welfare of adult care home or traumatic brain injury residential home residents, the commissioner may require the adult care home provider or traumatic brain injury residential home provider to take all necessary actions to correct violations immediately. If the facility complies with these conditions, the commissioner lifts the suspension within the time frame, unless other conditions exist that warrant an additional suspension or continuation of the suspension. The board has the authority to: continue, revoke or modify the suspension of admissions; revoke, suspend or condition the license of the facility; and enter such other orders as it deems necessary. This amendment revises the above provisions to instead provide that the commissioner may suspend the admission of any new patients or residents to any facility or licensee in those cases where the



commissioner has a factual basis upon which to believe that the conditions in any such facility or licensee are, or are likely to be, detrimental to the health, safety, or welfare of a patient or resident. For the purposes of this section, "facility or licensee" means any entity licensed under title 68, such as hospitals, ambulatory surgical treatment centers, nursing homes, etc. This amendment also revises the present law procedures described above. Under this amendment, the commissioner may suspend admissions pending a prompt hearing before the board, or an administrative judge if the board cannot be convened promptly. The commissioner will initiate a suspension of admissions by delivering to the facility or licensee a notice stating the commissioner's decision to suspend the admissions of new patients. The commissioner's notice to suspend admissions must: (1) Detail what conditions are considered detrimental to the health, safety, or welfare of the patients; (2) Provide an explanation of the specific time frame when and conditions under which the facility or licensee can reasonably expect the suspension to be lifted; and (3) Be received by the facility or licensee within 10 business days of the conclusion of the department's survey. Within 10 business days of the conclusion of the department's investigation, the department must also mail to the facility or licensee the commissioner's order, which must detail the alleged facts and pertinent law with particularity; and inform the facility or licensee of its right to contest the action. The commissioner's suspension of admissions will take effect on the next calendar day following the order provided to the facility or licensee. Any facility or licensee subject to a suspension of admissions by the commissioner has the right to contest the factual or legal basis for a suspension of admission imposed against it through a prompt contested case hearing before the board, or an administrative judge if the board cannot be convened promptly. An order in all cases contesting a suspension of admissions must be issued within 10 business days after the hearing contesting the suspension of admissions, regardless of whether the hearing is conducted before the board or an administrative judge. The order must determine whether the suspension of admissions was initially valid and whether conditions at the facility or licensee continue to be detrimental to the health, safety, or welfare of a patient or resident to justify the continuation of the suspension of admissions if not previously lifted. The commissioner may, at any time prior to a hearing, based on information presented to the commissioner showing that such conditions have been and will continue to remain corrected, revoke the suspension of admissions. Within 10 days of receiving the commissioner's order to suspend admissions, any facility or licensee for which admissions have been suspended must submit a corrective action plan to the board delineating the measures to be taken to address violations and associated time frames. If it is deemed by the board to be necessary to ensure the health, safety, and welfare of patients or residents, the commissioner may require any facility or licensee for which admissions have been suspended to take all necessary actions to correct violations immediately. The board may also set a lesser time frame than 10 days for the facility or licensee to submit a corrective action plan when it



deems necessary to ensure the health, safety, and welfare of residents. If the facility or licensee asserts that it has corrected the underlying conditions upon which the suspension of admissions is based, or if the facility or licensee complies with the conditions for the suspension to be lifted as set forth in the commissioner's order, the department must verify such corrections, after receiving notice and evidence of such corrections from the facility or licensee, within 14 business days unless waived by the facility or licensee. Unless other specific conditions exist that warrant an additional suspension or continuation of the suspension of admissions, the commissioner will promptly lift the suspension of admissions upon verification by the department that the facility or licensee has corrected the underlying conditions upon which the suspension of admissions is based or complied with the conditions for the suspension to be lifted. This amendment authorizes the board for licensing health care facilities to: (1) Continue, revoke, or modify the suspension of admissions; and (2) Enter such other orders as it deems necessary. This amendment specifies that for any suspension of admissions of a nursing home that is accompanied by a civil penalty under other provisions of present law, those other provisions will control to the extent there is a conflict. This amendment also revises other present law provisions regarding health care facilities, as follows: (1) This amendment makes the same change as that described above in the bill summary in (3), but does not include nursing homes, and the same changes as described above in (4) in the bill summary; (2) This amendment makes the present law provisions described above in the bill summary in (5) applicable to all facilities under title 68 (which does not include alcohol and drug treatment centers, which are governed by title 33); (3) Present law authorizes the department to assess a civil penalty not to exceed \$5,000 against any person or entity operating an assisted-care living facility, adult care home or traumatic brain injury residential home without having a license. This amendment adds homes for the aged to this provision. Also, this amendment makes the same change as that described above in (6) in the summary of the introduced bill regarding a system for assessing penalties as part of a comprehensive system of quality assurance and enforcement; (4) This amendment makes the same changes as described above in the bill summary in (7) but allows for an administrative review or revisit (instead of revisit only) and provides that the disciplinary action may include seeking reimbursement for the unrecouped costs associated with subsequent revisits; and (5) This amendment makes the same change as described above in (8) in the bill summary in regards to the registry.

*Executive Status:* 04/11/18 - Enacted as Public Chapter 0655 effective July 1, 2018.

*Public Chapter:* PC655.pdf

**SB2362/HB2219 Report on the implementation of the Public Acts of 2016.**

*Sponsors:* Sen. Crowe, Rusty , Rep. Sexton, Cameron

*Summary:* Directs the commissioner of health to study issues related healthcare access and healthcare status of populations affected by the implementation of



Chapter 1043 of the Public Acts of 2016. Requires the commissioner to report the findings and any recommendations arising out of the study to the health committee of the house of representatives and the health and welfare committee of the senate on or before January 15, 2019.

*Amendment  
Summary:*

Senate amendment 1 (015401) rewrites this bill to require the department of mental health and substance abuse services, when conducting inspections of hospitals that are licensed by the department, to verify that hospitals are complying with the present law requirement for reporting a patient's involuntary commitment to an inpatient treatment facility to local law enforcement so that the information may be reported to the FBI-NICS Index and the department of safety. This amendment extends the reporting and verification requirements to the department of health and hospitals that are licensed by the department of health. This amendment adds requirements that hospitals must document their compliance with the requirement for reporting a patient's involuntary commitment for inpatient treatment with a record of their communication with local law enforcement with respect to commitments. This bill further specifies that failure to comply with the reporting requirements subjects the hospital to civil penalties or action against the hospital's license as authorized by present law. House amendment 2 (016445) adds that a pharmacy or pharmacist has the right to provide an insured information regarding the amount of the insured's cost share for a prescription drug. This amendment specifies that neither a pharmacy nor a pharmacist may be penalized by a pharmacy benefits manager for discussing any information described in this amendment or for selling a lower priced drug to the insured if one is available.

*Executive Status:* 05/22/18 - Enacted as Public Chapter 1015 effective July 1, 2018.  
*Public Chapter:* PC1015.pdf

## Intellectual/Development Disability

### **SB264/HB941 Supported Decision Making Agreement Act.**

*Sponsors:* Sen. Massey, Becky , Rep. Carter, Mike

*Summary:* Enacts the Supported Decision Making Agreement Act, which allows for an adult with a disability to seek assistance in making certain decisions without forfeiting their self-determination as the ultimate decision-maker in their life.

*Amendment  
Summary:* Senate amendment 1 (012729) rewrites this bill to define "least restrictive alternatives." Present law concerning the appointment of guardians and conservators requires courts to ascertain and impose the least restrictive alternatives upon a person with a disability that are consistent with adequate protection of the person with a disability and the property of the person with a disability. This amendment defines "least restrictive alternatives" to mean techniques and processes that preserve as many decision-making rights as possible for the person with a disability. House amendment 1 (013536)



deletes all language after the enacting clause. Adds language to guardianship definition that defines "least restrictive alternatives."

*Executive Status:* 04/03/18 - Enacted as Public Chapter 0605 effective April 2, 2018.

*Public Chapter:* PC605.pdf

**SB1109/HB1110 Special designation on driver and photo identification licenses for persons with developmental disabilities.**

*Sponsors:* Sen. Kyle, Sara , Rep. Deberry Jr., John

*Summary:* Authorizes department of safety to issue special designation on driver and photo identification licenses for persons with developmental disabilities. Establishes a set of procedures for law enforcement interactions with persons with developmental disabilities.

*Amendment Summary:* Senate amendment 2 (014942) deletes all language after the enacting clause such that the only substantive changes are as follows: 1. Specifies that a person shall bear the associated costs, consistent with established fees applicable to reissuance of licenses if a person chooses to change their license outside the normal renewal schedule. 2. Changes the effective date from July 1, 2017 to January 1, 2019. Senate amendment 3 (016228) changes the effective date from July 1, 2017, to July 1, 2019.

*Executive Status:* 05/22/18 - Enacted as Public Chapter 0981 effective July 1, 2019.

*Public Chapter:* PC981.pdf

## Mental Health

**SB1718/HB1795 Adds community mental health centers to definition of healthcare organization.**

*Sponsors:* Sen. Stevens, John , Rep. Farmer, Andrew

*Summary:* Adds community mental health centers to definition of "healthcare organization" in order to add them to quality improvement committees.

*Executive Status:* 03/26/18 - Enacted as Public Chapter 0593 effective March 22, 2018.

*Public Chapter:* PC593.pdf

## Miscellaneous

**SB1513/HB1702 Renames the regional library for the blind and physically handicapped.**

*Sponsors:* Sen. Massey, Becky , Rep. Jernigan, Darren

*Summary:* Renames the regional library for the blind and physically handicapped to the regional library for accessible books and media; updates antiquated language regarding persons with disabilities within statutory provisions relative to the state library system.



*Executive Status:* 03/12/18 - Enacted as Public Chapter 0543 effective March 9, 2018.

*Public Chapter:* PC543.pdf

## TennCare/Medicaid

### **SB1494/HB1542 Aging caregiver priority provisions - referral list for the TennCare CHOICES program.**

*Sponsors:* Sen. Haile, Ferrell , Rep. Ramsey, Bob

*Summary:* Applies aging caregiver priority provisions to persons eligible for the TennCare CHOICES program.

*Amendment Summary:* Senate amendment 2 (017474) rewrites this bill to provide: (1) That an eligible person with an intellectual disability who is on the referral list for services and whose older custodial parent, or custodial caregiver, attains 75 years of age must be enrolled in employment and community first choices Group 5 or a similarly capped home and community based services program within six months of the person's parent or caregiver attaining that age; and (2) That an eligible person with a developmental disability other than an intellectual disability who is on the referral list for services and whose older custodial parent, or custodial caregiver, attains 80 years of age must be enrolled in employment and community first choices Group 5 or a similarly capped home and community based services program within six months of the person's parent or caregiver attaining that age.

*Executive Status:* 05/22/18 - Enacted as Public Chapter 0986 effective May 21, 2018.

*Public Chapter:* PC986.pdf

### **SB2312/HB2608 Online submission of TennCare forms for recipients under the age of 18.**

*Sponsors:* Sen. Harris, Lee , Rep. Mitchell, Bo

*Summary:* Requires the bureau of TennCare to establish a procedure that allows recipients who are under the age of 18 to reapply for medical assistance benefits online without requiring any paper forms.

*Amendment Summary:* Senate amendment 1 (014794) rewrites this bill to require the department of finance and administration to establish a procedure under the CoverKids Act that sends an email notice to an enrollee, or the parent of legal guardian of the enrollee stating that the enrollee must redetermine eligibility for the program. The notice must be emailed at least 30 days in advance of the regular mailing of any packet or materials for redetermination of eligibility. This amendment specifies that email notice is required only when the department has an email address for the enrollee of the parent or guardian of the enrollee. Senate amendment 2 (015325) removes the provision that requires the notice must be mailed at least 30 days in advance of the regular mailing of any packet of materials for redetermination of eligibility.

*Executive Status:* 05/16/18 - Enacted as Public Chapter 0943 effective July 1, 2018.





*Public Chapter:* PC943.pdf

**SB2364/HB1541 Payment reform initiatives - behavioral healthcare episodes.**

*Sponsors:* Sen. Crowe, Rusty , Rep. Ramsey, Bob

*Summary:* Excludes behavioral health from episodes of care in any payment reform initiative developed or implemented with respect to medical assistance provided under the bureau of TennCare or the health care finance and administration (HCFA) of the department of finance and administration.

*Amendment Summary:* Senate amendment 1 (017340) deletes the language "shall exclude behavioral health episodes from the initiative" and substitutes it with the language "shall exclude anxiety episodes and non-emergent depression episodes from the initiative."

*Executive Status:* 05/22/18 - Enacted as Public Chapter 1016 effective May 21, 2018.

*Public Chapter:* PC1016.pdf