



Legislative Update 2022: Public Chapter

June 13, 2022

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The position of The Arc Tennessee

SUPPORT | **OPPOSE**

Public Chapter Numbers are highlighted in **Green**

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Accessibility

SB602/HB905 CONSTRUCTION: Accommodations in public restrooms. (PLACED BEHIND BUDGET)

Sponsors: Sen. Watson, Bo , Rep. Doggett, Clay

Summary: Requires buildings constructed or renovated at an estimated renovation cost of \$10,000 or more on or after January 1, 2022, to include at least one powered, height-adjustable, adult-sized changing table in a single-occupancy restroom that is for all genders. Requires that the location of this restroom be clearly displayed at the entrance of the building.

Amendment Summary: Senate Commerce & Labor Committee amendment 1 (003907) deletes and replaces language of the original bill to limit the requirements to only those public buildings containing 40,000 square feet or more. Senate Commerce & Labor Committee amendment 2 (013585) requires each welcome center operated by the Department of Tourist Development (DTD) and each safety rest area that provides restrooms for use by the public to contain and provide access to at least one powered, height-adjustable, adult-sized changing table in a single occupancy restroom that is universal to gender and available to the public. Requires the location of the restroom containing the changing table to be conspicuously displayed at the entrance of the place that houses the restroom. Requires any necessary renovations to be completed by January 1, 2025. Requires the Department of Intellectual and Development Disabilities (DIDD) to establish a grant program to support the installation of powered, height-adjustable, adult-sized changing tables in single occupancy family restrooms in privately and municipally owned buildings open to the public. Requires DIDD to award grants not to exceed \$500,000 per award. Requires DIDD to allocate all grant awards no later than July 1 of the calendar year following the appropriation of funds. Requires, no later than November 1 of each year, DIDD to publish on its website a report containing various information regarding any grants awarded. Requires DIDD to prioritize geographic diversity among the grand divisions and higher traffic facilities. House Property & Planning Subcommittee amendment 1 (014568) requires each welcome center operated by the Department of Tourist Development (DTD) and each safety rest area that provides restrooms for use by the public to contain and provide access to at least one powered, height-adjustable, adult-sized changing table in a single occupancy restroom that is universal to gender and available to the public. Requires the location of the restroom containing the changing table to be conspicuously displayed at the entrance of the place that houses the restroom. Requires any necessary renovations to be completed by January 1, 2025. Requires the Department of Intellectual and Development Disabilities (DIDD) to establish a grant program to support the installation of powered, height-adjustable, adult-sized changing tables in single occupancy family restrooms in privately and municipally owned buildings open to the public. Requires DIDD to award grants not to exceed



\$500,000 per award. Requires DIDD to allocate all grant awards no later than July 1 of the calendar year following the appropriation of funds. Requires, no later than November 1 of each year, DIDD to publish a report containing various information regarding any grants awarded. Requires DIDD to prioritize geographic diversity among the grand divisions and higher traffic facilities. House Local Government Committee amendment 2 (015900) requires each welcome center operated by the Department of Tourist Development (DTD) and each safety rest area that provides restrooms for use by the public to contain and provide access to at least one powered, height-adjustable, adult-sized changing table in a single occupancy restroom that is universal to gender and available to the public. Requires the location of the restroom containing the changing table to be conspicuously displayed at the entrance of the place that houses the restroom. Requires any necessary renovations to be completed by January 1, 2028. Requires that if such facilities cannot be completed by this date, the Tennessee Department of Transportation (TDOT) must submit a letter to the Finance, Ways, and Means Committees. Requires the Department of Intellectual and Development Disabilities (DIDD) to establish a grant program to support the installation of powered, height-adjustable, adult-sized changing tables in single occupancy family restrooms in privately and municipally owned buildings open to the public. Requires DIDD to award grants not to exceed \$500,000 per award. Requires DIDD to allocate all grant awards no later than July 1 of the calendar year following the appropriation of funds. Requires, no later than November 1 of each year, DIDD to publish a report containing various information regarding any grants awarded. Requires DIDD to prioritize geographic diversity among the grand divisions and higher traffic facilities. House Finance, Ways, & Means Subcommittee amendment 1 (016789) requires the department of intellectual and developmental disabilities to establish a grant program in order to install powered and height-adjustable adult-sized changing tables in family restrooms in buildings open to the public across the state. Requires the department to award grants in total of \$500,000. Requires grants to be allocated no later than July 1 of the calendar year following the appropriation of funds. Requires the department to publish a report no later than November 1 containing information relative to grant allocation. Requires department to prioritize geographical diversity among the grand divisions and higher traffic facilities in awarding grants.

Fiscal Note:

(Dated March 22, 2021) Increase State Expenditures - \$125,000/FY21-22/Facilities Revolving Fund \$250,000/Each Year FY22-23 through FY23-24/ Facilities Revolving Fund \$1,975,000/FY24-25/Facilities Revolving Fund \$3,700,000/Each Year FY25-26 through FY32-33/ Facilities Revolving Fund \$150,000/FY21-22/Locally-Governed Institutions \$300,000/Each Year FY22-23 through FY23-24/ Locally-Governed Institutions \$2,700,000/FY24-25/Locally-Governed Institutions \$5,100,000/Each Year FY25-26 through FY32-33/ Locally-Governed Institutions \$75,000/FY21-22/Tennessee Board of Regents \$150,000/Each Year FY22-23 through FY23-24/ Tennessee



Board of Regents \$1,200,000/FY24-25/Tennessee Board of Regents \$2,250,000/Each Year FY25-26 through FY32-33/ Tennessee Board of Regents \$125,000/FY21-22/University of Tennessee \$250,000/Each Year FY22-23 through FY23-24/ University of Tennessee \$2,125,000/FY24-25/University of Tennessee \$4,000,000/Each Year FY25-26 through FY32-33/ University of Tennessee \$750,000/FY21-22/General Fund \$1,500,000/Each Year FY22-23 through FY23-24/General Fund \$12,900,000/FY24-25/General Fund \$24,300,000/Each Year FY25-26 through FY32-33/General Fund. Increase Local Expenditures - \$50,000/FY21-22 \$100,000/Each Year FY22-23 through FY23-24 \$775,000/FY24-25 \$1,450,000/Each Year FY25-26 through FY32-33.

Position: **SUPPORT**

HJR755 ENVIRONMENT & NATURE: Installation of at least one universal adult-sized changing table in each state park.

Sponsors: Rep. Doggett, Clay
Summary: Encourages the Department of Environment and Conservation to install at least one universal adult-sized changing table in each state park.

Appropriations

SB2897/HB2882 PUBLIC FINANCE: Appropriations - fiscal years beginning July 1, 2021, and July 1, 2022.

Sponsors: Sen. Johnson, Jack , Rep. Lamberth, William
Summary: Makes appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2021, and July 1, 2022, in the administration, operation and maintenance of the legislative, executive and judicial branches of the various departments, institutions, offices and agencies of the state; for certain state aid and obligations; for capital outlay, for the service of the public debt, for emergency and contingency; to repeal certain appropriations and any acts inconsistent herewith; to provide provisional continuing appropriations; and to establish certain provisions, limitations and restrictions under which appropriations may be obligated and expended.

Amendment Summary: House amendment 4 (017810) appropriated the sum of \$15,000,000 (nonrecurring) to the Legislature for the planning and construction of a new parking garage with at least 400 parking spaces, to be attached to the Cordell Hull Building on the northside and used solely by legislative employees. House amendment 1 (017648) is the stripper amendment. House amendment 2 (013999) is the administration amendment. House amendment 3 (014000) is the legislative budget. House amendment 3-1



(017986) authorizes the commissioner of Economic and Community Development to use funds appropriated or available to the department to provide rural economic opportunity grants described on Page B-340 of the 2022-2023 Budget Document. House amendment 3-2 (017988) transfers \$110,606,100 to the Highway Fund and \$5,170,000 to the Police Pay Supplement Fund.

Public Chapter: [PC1130.pdf](#)
Effective Date: 07/01/22

Criminal Law

SB1877/HB1747 CRIMINAL LAW: Quadriplegia - qualifying medical diagnoses for the use of medical cannabis.

Sponsors: Sen. Yarbrow, Jeff , Rep. Jernigan, Darren
Summary: Adds quadriplegia as a qualifying medical condition for the lawful possession of cannabis oil.
Fiscal Note: (Dated January 18, 2022) NOT SIGNIFICANT
Public Chapter: [PC1054.pdf](#)
Effective Date: 05/25/22

Education

SB503/HB753 EDUCATION: School-based health-related services.

Sponsors: Sen. Lundberg, Jon , Rep. White, Mark
Summary: Requires the department of finance and administration to pay, or cause to be paid, claims for reimbursements for eligible health-related or medical assistance services provided by LEAs pursuant to an eligible student's IEP. Requires each LEA to submit all claims for the previous school year on or before December 31 following the end of that school year. Specifies that any claim submitted after such date may be denied unless there is good cause shown for the delay in submission. Clarifies that a claim by an LEA shall not be denied because the provider is not a participating provider or does not have a contract with a managed care organization administering any claims under this bill.
Amendment Summary: Senate amendment 1 (006233) rewrites this bill and authorizes, for the purposes of providing services in a school setting pursuant to a child's individualized education program (IEP), the following licensed healthcare providers licensed to refer or order services within their scope of practice as part of a child's IEP: (1) A physical therapist may order or make a referral for physical therapy services for a child; (2) An occupational



therapist may order or make a referral for occupational therapy services for a child; (3) A speech-language pathologist may order or make a referral for speech-language pathology services for a child; and (4) An audiologist may order or make a referral for audiology services for a child. This amendment specifies that the above-referenced providers will qualify as licensed practitioners for purposes of the federal regulations governing medical assistance programs. An order or referral made in accordance with this amendment may be evidenced by the signature of the healthcare provider in the student's IEP provided that the child has been appropriately evaluated and assessed by the provider making the referral or order. Senate amendment 2 (013415) changes the effective date to July 1, 2022 and makes a typographical correction to the bill.

Fiscal Note:

(Dated March 25, 2021) Increase State Expenditures \$95,369,600/FY21-22 and Subsequent Years Increase Federal Expenditures \$187,584,200/FY21-22 and Subsequent Years Other Fiscal Impact There may be additional state expenditures to cover the claims for non-TennCare IEP students. Due to multiple unknown factors, the exact impact cannot be quantified.

Public Chapter:

PC695.pdf

Effective Date:

07/01/22

SB1158/HB751 EDUCATION: Child with dyslexia to be eligible for the individualized education account program.

Sponsors:

Sen. Haile, Ferrell , Rep. Moody, Debra

Summary:

Expands the Individualized Education Act to allow a child with dyslexia to be eligible for the individualized education account program. Broadly captioned

Amendment

Summary:

Senate amendment 1 (012543) rewrites this bill to expand the Individualized Education Act to allow a child with a specific learning disability to be eligible for the individualized education account program.

Fiscal Note:

(Dated March 20, 2021) NOT SIGNIFICANT

Public Chapter:

PC1019.pdf

Effective Date:

05/11/22

SB1775/HB1676 EDUCATION: Adoption of academic standards by state board of education.

Sponsors:

Sen. Hensley, Joey , Rep. Cepicky, Scott

Summary:

Allow the state board of education to reject or revise, instead of only adopt, the standards recommended to the board for adoption by the standards recommendation committees.

Amendment

Summary:

House amendment 1 (013432) authorizes the State Board of Education to reject or make technical non-substantive revisions to the subject area standards recommended by the standards recommendation committees.



Fiscal Note: (Dated January 23, 2022) NOT SIGNIFICANT

Public Chapter: [PC660.pdf](#)

Effective Date: 03/16/22

SB1838/HB1838 EDUCATION: Appointing authority for state board of education.

Sponsors: Sen. Hensley, Joey , Rep. Cepicky, Scott

Summary: Revises the legislative confirmation process for the nine-member state board of education appointed after July 1, 2022. After such time, requires the speaker of the house, the speaker of the senate and the governor to appoint three members each, according to specific congressional districts. Clarifies confirmation process timeline.

Amendment Summary: Senate amendment 1 (015092) revises the present law requirement that at least three members of the state board of education be appointed from both majority and minority parties to instead require that each appointing authority appoint at least one member from the minority party. This amendment revises the congressional division so that the speaker of the senate will appoint members representing the third, fourth, and seventh districts; the speaker of the house will appoint members representing the second, sixth, and eighth districts; and the governor will represent members representing the first, fifth, and ninth districts. This amendment revises the confirmation provisions to specify that the governor's appointees, except for the public high school member, are subject to confirmation by joint resolution of the senate and the house; the senate speaker's appointees will be subject to confirmation by resolution of the senate; and the house speaker's appointees will be subject to confirmation by resolution of the house. This amendment provides that the public high school student member may immediately begin serving the term for which the student was appointed. The student member's appointment will terminate after one year and if the student is a junior in high school at the time of the student's initial appointment, then the governor may reappoint the student to an additional one year-term if the student is of a superlative standing and a senior in a public high school in this state.

Fiscal Note: (Dated January 28, 2022) NOT SIGNIFICANT

Public Chapter: [PC987.pdf](#)

Effective Date: 07/01/22

SB1863/HB1901 EDUCATION: Authority of commissioner to issue temporary teaching permits.

Sponsors: Sen. Hensley, Joey , Rep. Weaver, Terri

Summary: Authorizes the commissioner of education to issue temporary endorsement exemptions and temporary teaching permits for teachers



whose licenses do not carry the necessary subject-specific endorsement to teach a course or subject area for which an end-of-course assessment is required. The director of schools or the director of a public charter school who requests an exemption must certify to the commissioner that the LEA or public charter school is unable to obtain a qualified teacher. Prohibits exemptions for physical and special education courses. Effective for the 2022-2023 school year and subsequent school years. House amendment 1 (013995) deletes the State Board of Education's (SBE) emergency rules on the issuance of temporary permits and endorsement exemptions. Authorizes the Commissioner of the Department of Education (DOE) to issue certain temporary permits and endorsement exemptions for individuals to teach in the 2022-23 and 2023-24 school year. Requires DOE to report to the Education Committees of the Senate and the House of Representatives on the number of endorsement exemptions and temporary permits issued at the end of the 2021-22, 2022-23, and 2023-24 school years.

Amendment Summary:

Fiscal Note:

Public Chapter:

Effective Date:

(Dated February 9, 2022) NOT SIGNIFICANT

[PC932.pdf](#)

04/29/22

SB1887/HB1912 EDUCATION: Remote classroom instruction.

Sponsors:

Summary:

Sen. Southerland, Steve , Rep. Faison, Jeremy

Allows for local education agencies to utilize up to 10 instructional days of the required 180 instructional days to be remote learning in the event of extreme weather or an illness outbreak. Authorizes LEAs to utilize these remote instructional days during end-of-course assessments or other required assessments. Requires kindergarten students to receive at least four hours of instruction each day and grades 1-12 at least six and one half hours of instruction each day. LEAs must receive visual, oral, or written confirmation of a student's attendance in compliance with state attendance and truancy laws.

Amendment Summary:

Fiscal Note:

Public Chapter:

Effective Date:

Senate amendment 1 (014797) reduces from 10 to two the number of remote instruction days that this bill would authorize and deletes the requirements that LEAs make school meals and IEP-related services available on days that remote instruction is provided pursuant to this bill.

(Dated February 10, 2022) NOT SIGNIFICANT

[PC897.pdf](#)

04/19/22

SB1995/HB2028 EDUCATION: Student discipline - withholding of student's phone.

Sponsors:

Sen. Bell, Mike , Rep. Hall, Mark



Summary: Authorizes a local school board or charter school governing body to implement a code of conduct or discipline policy permitting teachers to take a student's phones for the duration of instructional time when the phone is distracting the student or class.

Fiscal Note: (Dated February 9, 2022) NOT SIGNIFICANT

Public Chapter: [PC707.pdf](#)

Effective Date: 03/18/22

SB2099/HB1935 EDUCATION: Educator's Bill of Rights.

Sponsors: Sen. Pody, Mark , Rep. Reedy, Jay

Summary: Renames the "Teacher's Bill of Rights" under TCA 49-5-209 as the "Educator's Bill of Rights."

Fiscal Note: (Dated January 24, 2022) NOT SIGNIFICANT

Public Chapter: [PC682.pdf](#)

Effective Date: 03/28/22

SB2155/HB2116 EDUCATION: Revises the evaluation criteria for educators.

Sponsors: Sen. Hensley, Joey , Rep. Cepicky, Scott

Summary: Adjusts the evaluation criteria for teachers, changing the percentage of evaluation criteria to be comprised of student achievement data from 50 percent to 60 percent. Changes other measures of student achievement to be reported from 15 percent to 25 percent. Effective for the following three years.

Amendment Summary: Senate amendment 1 (016856) increases the amount that student achievement data can contribute to a teacher's observation evaluation from 50 percent to 60 percent. House amendment 1 (013881) removes the provision of this bill that would have deleted the following present law provisions: (1) The provision whereby if a teacher's or principal's student growth data reflects attainment of an achievement level of "at expectations," "above expectations," or "significantly above expectations," then the student growth data must comprise the full 50 percent student achievement data portion of the teacher's or principal's evaluation, if such use results in a higher final evaluation score for the teacher or principal; and (2) The provision whereby if an individual teacher's student growth data reflects attainment of an achievement level demonstrating an effectiveness level of "above expectations" or "significantly above expectations" then the student growth data may, at the discretion of the LEA or public charter school, and upon request of the teacher, comprise 100 percent of the teacher's final evaluation score.

Fiscal Note: (Dated February 9, 2022) NOT SIGNIFICANT

Public Chapter: [PC991.pdf](#)

Effective Date: 07/01/22



SB2363/HB2461 EDUCATION: Additional time for students to complete TCAP test or benchmark assessment.

<i>Sponsors:</i>	Sen. Bowling, Janice , Rep. Rudder, Iris
<i>Summary:</i>	Allows a student to receive 25 extra minutes on the TCAP test, if a parent or legal guardian provides documentation of evidence that a student needs extra time. Broadly captioned.
<i>Amendment Summary:</i>	Senate amendment 1 (015001) rewrites this bill to authorize administration of TCAP tests students in a timed format and require the department of education to establish the required time limit for each TCAP test and an optional additional time period that may be added to the required time limit for each test if requested by a student. This bill authorizes a test administrator to provide the additional time period at the request of the student or a parent of the student. The optional additional time period must be used consecutively to the required time limit for each test. This amendment prohibits a test administrator from providing the optional additional time period if the optional additional time period would invalidate the results of the test. This amendment specifies that its provisions do not supersede an LEA or public charter school's obligation to comply with applicable federal laws.
<i>Fiscal Note:</i>	(Dated February 23, 2022) NOT SIGNIFICANT.
Public Chapter:	PC978.pdf
<i>Effective Date:</i>	05/03/22

SB2369/HB1964 EDUCATION: LEAs to conduct virtual learning drills.

<i>Sponsors:</i>	Sen. Lundberg, Jon , Rep. Rudd, Tim
<i>Summary:</i>	Requires LEAs to conduct remote learning drills during or after school hours at least once each school year to ensure schools, students, and parents of students can easily transition from in-person learning to remote learning. Requires an LEA to address any issues that are identified during the remote learning drill. Requires the department of education to develop guidance to assist LEAs in conducting remote learning drills. Requires teacher training programs to provide instruction, to candidates seeking licensure to teach or licensure as an instructional leader, on effective strategies for virtual instruction. Requires LEAs to adopt, and the textbook commission to recommend for adoption, textbooks and instructional materials that are electronically accessible. Broadly captioned.
<i>Amendment Summary:</i>	House amendment 1 (015174) requires a local education agency (LEA) to conduct a remote learning drill at least once, but not more than twice, each school year. Requires each teacher training program to provide instruction on effective strategies for virtual instruction to candidates



seeking licensure to teach or licensure as an instructional leader. Requires the Department of Education (DOE) to review teacher training programs.

Fiscal Note: (Dated February 25, 2022) Increase Local Expenditures - Exceeds \$66,410,000/FY23-24 and Subsequent Years.

Public Chapter: [PC936.pdf](#)

Effective Date: 07/01/22

SB2396/HB2143 EDUCATION: Changes BEP annual report submission date.

Sponsors: Sen. Johnson, Jack , Rep. Lamberth, William

Summary: Changes the date, from November 1 to September 1, by which the BEP review committee must submit its annual report on the BEP to the governor, the state board of education, the finance, ways and means committees of the senate and the house, the education committee of the senate, and the education administration committee of the house. Broadly captioned. Part of Administration Package.

Amendment Summary: Senate amendment 1 (016479) removes the changes made by House Amendment #2 and makes the following substantive changes to the provisions of House Amendment #1: (1) Removes the requirement that the three directors of schools appointed to the outcomes advisory group include representatives of urban, suburban, and rural areas; (2) Makes participation in professional development concerning TISA permissive, removes the requirement that members of local legislative bodies participate in the training, removes the testing requirement concerning the training, and adds a requirement that the department use competitive procurement practices for goods and services to effectuate the training; (3) Removes the requirement that the goals in each LEA's accountability report establish a goal of 70 percent of the LEA's students in third grade taking the English language arts (ELA) portion of the TCAP tests achieving a performance level rating of "on track" or "mastered" on the ELA portion of the TCAP tests; (4) Makes authorization for an LEA that operates a public school that receives a "D" or "F" letter grade to be made subject to a hearing before a joint ad hoc legislative committee effective beginning with the 2024-2025 school year, changes the body before which an LEA may be brought the state board of education or a committee of the state board instead of a legislative committee, specifies that such provisions also apply to public charter schools and public charter school authorizers, modifies one of the corrective actions from the comptroller appointing an inspector general to audit and investigate the LEA's or public charter school's academic programming and spending to requiring the department to conduct the audit and investigation, and adds a requirement that the department provide information requested by the state board to assist the state board in making the determinations necessary for the accountability requirements; (5) Makes the



establishment of the TISA review committee effective January 1, 2026; (6) Deletes the provisions that encourage LEAs to fund a certain number of school nurses, public school counselors, and response to instruction and intervention positions; (7) Deletes the provisions that establish a progress review board; and (8) Removes the requirement that coordinated school health plans include how the LEA currently addresses the health needs of school children, and who will serve as the school health coordinator. Senate amendment 2 (018109) restores: (1) The provisions described in the summary for House Amendment #2; (2) The requirement that the three directors of schools appointed to the advisory group for outcome incentive dollars and outcome goals include one director selected from an urban area in Tennessee, one director selected from a suburban area in Tennessee, and one director selected from a rural area in Tennessee; (3) The accountability requirements that the goals established in each LEA's accountability report include the goal of 70 percent of the LEA's students in third grade taking the English language arts (ELA) portion of the TCAP tests achieving a performance level rating of "on track" or "mastered" on the ELA portion of the TCAP tests; (4) The progress review board; and (5) The requirement that each coordinated school health plan must include the LEA currently addresses the health needs of school children and who will serve as the school health coordinator. Subject to available appropriations, this amendment requires the department to distribute a cost differential factor (CDF) grant to an LEA located in a county in which the cost of living is greater than the statewide average. An LEA is eligible for a CDF grant if the LEA is located in a county for which the ratio between the county's non-governmental wages and the statewide non-governmental wages is greater than one, as calculated by the Boyd Center for Business and Economic Research at the University of Tennessee. This amendment requires the department to determine the amount of a CDF grant awarded to an eligible LEA.

Fiscal Note: (Dated February 1, 2022) NOT SIGNIFICANT
Public Chapter: [PC966.pdf](#)
Effective Date: 05/02/22, 07/01/23

SB2498/HB2429 EDUCATION: Development of an Industry 4.0 diploma.

Sponsors: Sen. Akbari, Raumesh , Rep. White, Mark
Summary: Requires the state board of education to develop an Industry 4.0 diploma as an alternative to the traditional diploma for high school students who are interested in pursuing a career in a high-need, high-skill industry after graduation. Revises number of credits required for worked-based learning programs. Revises requirements for an individual to obtain a practitioner occupational teacher license. Broadly captioned.



Amendment Summary:

House amendment 1 (015326) requires the state board of education to develop an industry 4.0 distinction for students who are interested in pursuing a career in a high-skill, high-need industry after graduation. Requires a student interested in this distinction to notify the student's counselor or school principal, provide documentation to the counselor or principal with parent's signature, register with a school approved career counseling or community partner, and enroll in work based learning or dual enrollment before the end of the student's sophomore year. Requires the student to meet with an approved career coach no less than once a month during the student's junior year and enroll in dual enrollment or work based learning for their senior year. Requires the state board of education to establishment requirements that include allowing a student to earn one science credit and one math credit through course substitutions and earn at least nine credits through work based learning or dual enrollment.

Fiscal Note:

(Dated March 4, 2022) Increase State Expenditures - \$15,000/FY22-23 \$3,000/FY23-24 and Subsequent Years

Public Chapter:

[PC946.pdf](#)

Effective Date:

04/29/22

Employment

SB2042/HB2078 LABOR LAW: Tennessee Integrated and Meaningful Employment Act.

Sponsors:

Sen. Yarbro, Jeff , Rep. Bricken, Rush

Summary:

Enacts the "Tennessee Integrated and Meaningful Employment Act," which requires an employer to pay an employee who is impaired by age, physical or mental deficiency, or injury, no less than the federal minimum wage regardless of the subminimum wage. Broadly captioned.

Amendment Summary:

Senate amendment 1 (014362) clarifies that this bill will require employers to pay employees no less than the minimum wage, regardless of the subminimum wage for an employee whose earning or productive capacity is impaired by age, physical, or mental deficiency or injury.

Fiscal Note:

(Dated February 21, 2022) NOT SIGNIFICANT

Public Chapter:

[PC870.pdf](#)

Effective Date:

07/01/22

SB2650/HB2801 EDUCATION: Changes to rehabilitation centers for disabled persons.

Sponsors:

Sen. Johnson, Jack , Rep. Lamberth, William

Summary:

Makes various changes to the system established by the commissioner of human services for providing rehabilitation centers for persons with



disabilities. Changes the name of the advisory board for rehabilitation centers to the advisory board for community-based vocational rehabilitation services. Extends the new board to June 30, 2027. Part of Administration Package.

Amendment Summary: Senate amendment 1 (014228) changes the sunset date for the advisory board for community-based vocational rehabilitation services from June 30, 2027, to June 30, 2026.

Fiscal Note: (Dated February 24, 2022) NOT SIGNIFICANT

Public Chapter: [PC905.pdf](#)

Effective Date: 04/19/22

Health

SB1749/HB1686 HEALTH CARE: Respite care pilot program for caregivers of individuals with Alzheimer's.

Sponsors: Sen. Reeves, Shane , Rep. Williams, Ryan

Summary: Enacts the "Colonel Thomas G. Bowden Act," which establishes a respite care pilot program for caregivers of individuals with Alzheimer's and related dementia to provide home and community-based services.

Amendment Summary: House amendment 1 (013884) requires the agency to report the costs of the agency's respite care infrastructure to the commission each year of the pilot program. House amendment 2 (018086) requires that the Alzheimer's and dementia respite care pilot program provide home- and community-based services through grants provided to each of the nine area agencies on aging and disability in this state; changes the dates for operation of the pilot program to July 1, 2022, to June 30, 2025; and increases the number of enrollees who may be served in each fiscal year of the program's operation to 250. House amendment 3 (018241) removes this bill's authorization for the commission on aging and disability to promulgate rules to effectuate the purposes of this bill.

Fiscal Note: (Dated February 19, 2022) Increase State Expenditures \$332,600/FY22-23 \$749,400/FY23-24 \$749,400/FY24-25 \$374,700/FY25-26

Public Chapter: [PC1049.pdf](#)

Effective Date: 05/25/22

SB1846/HB1843 INSURANCE HEALTH: Expands the definition of provider-based telemedicine.

Sponsors: Sen. Watson, Bo , Rep. Terry, Bryan

Summary: Expands the definition of provider-based telemedicine to include HIPAA compliant audio-only conversations for the provision of healthcare services beyond behavioral health services when other means are unavailable. Broadly captioned.



Amendment Summary: Senate amendment 1 (015805) allows the use of a HIPPA compliant audio-only conversation when other telemedicine services are not available and requires that the patient's financial responsibility for the audio-only encounter be consistent with that of other in-person or video encounters.

Fiscal Note: (Dated February 10, 2022) NOT SIGNIFICANT

Public Chapter: [PC807.pdf](#)

Effective Date: 04/08/22

SB1884/HB1960 COVID-19: COVID-19 vaccination mandates.

Sponsors: Sen. Bowling, Janice , Rep. Hulsey, Bud

Summary: Removes TCA 14-2-101, which prohibits COVID-19 vaccine mandates by governmental entities, schools, and local education agencies, from the application of the Title 14 termination date of July 1, 2023.

Amendment Summary: Senate amendment 1 (014051) removes TCA 14-1-101, which are the definitions to the Title 14 COVID-19 laws, from the application of the Title 14 termination date of July 1, 2023; and, effective July 1, 2023, this amendment deletes the 14-1-101 definitions except for those that relate to the prohibition on COVID-19 vaccine mandates for governmental entities, which provision will, based on this bill, not be subject to the July 1, 2023, termination date.

Fiscal Note: (Dated February 1, 2022) NOT SIGNIFICANT

Public Chapter: [PC896.pdf](#)

Effective Date: 04/19/22, 07/01/22

SB2134/HB2048 INSURANCE HEALTH: Coverage determinations for complex rehabilitation technology.

Sponsors: Sen. Reeves, Shane , Rep. Jernigan, Darren

Summary: Requires health insurers to offer a prior authorization process for complex rehabilitation technology, classified within Medicare as certain power and manual wheelchairs. Prohibits health insurers from denying the full cost of such equipment if it has advised a covered person that the equipment will be fully covered. Prohibits a health insurer from considering the location where complex rehabilitation technology will be used when making a medical necessity determination.

Amendment Summary: Senate amendment 1 (014158) prohibits a health insurer whose health benefit plan provides coverage of complex rehabilitation technology (CRT) from considering the location where the technology will be used when deciding medical necessity. Requires a health insurer to offer a prior authorization process that reviews billable codes and provides coverage determinations for CRT. States that 100% of the CRT payment is subject to applicable copayment, coinsurance, or deductibles. House amendment 1 (016115) prohibits a health insurer whose health benefit



plan provides coverage of complex rehabilitation technology (CRT) from considering the location where the technology will be used when deciding medical necessity. Requires a health insurer to offer a prior authorization process that reviews billable codes and provides coverage determinations for CRT. States that 100 percent of the CRT payment is subject to applicable copayment, coinsurance, or deductibles. Requires the health insurer to pay 100 percent of the amount approved in the prior authorization of CRT coverage, subject to applicable copayment, coinsurance, or deductible requirements.

Fiscal Note: (Dated March 6, 2022) Increase State Expenditures - \$5,933,700/FY22-23 and Subsequent Years. Increase Federal Expenditures - \$10,560,300/FY22-23 and Subsequent Years. Increase Local Expenditures - \$35,700/FY22-23 and Subsequent Years*

Public Chapter: [PC973.pdf](#)

Effective Date: 07/01/22

SB2304/HB2213 HEALTH CARE: Task force to review healthcare workers' reimbursements and wages.

Sponsors: Sen. Massey, Becky , Rep. Hazlewood, Patsy

Summary: Creates a healthcare task force designated to review the reimbursement of health professionals employed by agencies performing healthcare services in this state. Task force is administratively attached to the department of health and is composed of thirteen members. Requires the task force to submit an interim progress report of its findings and recommendations to both speakers and the chair for both the house and senate health committees no later than July 1, 2023.

Amendment Summary: Senate amendment 2 (016239) revises various provisions of this bill, as follows: (1) Removes the provision for the task force being administratively attached to the department of health; (2) Increases the membership of the task force from 13 to 15 members by adding the commissioner of health and the executive director of the Tennessee commission on aging and disability, or such officials' designee; (3) Removes eligibility for per diem or reimbursement of travel expenses for task force members in carrying out their duties under this bill; (4) Reduces the required meetings from monthly to once every two months; (5) Authorizes the chair to utilize subcommittees composed of task force members; and (6) Changes the final report and task force termination date from December 31, 2024, to December 31 2023.

Fiscal Note: (Dated February 25, 2022). FISCAL IMPACT: Increase State Expenditure \$516,400/FY22-23 \$16,400/FY23-24 \$10,000/FY24-25

Public Chapter: [PC1138.pdf](#)

Effective Date: 06/03/22, 07/01/22



Intellectual/Development Disability and Mental Health

SB1752/HB1670 PROPERTY & HOUSING: Authentication of instruments by witnesses.

Sponsors: Sen. Massey, Becky , Rep. Jernigan, Darren
Summary: Replaces the phrase "deaf and dumb" with "deaf or hard of hearing" in Title 66 Chapter 23 as it relates to the authentication of instruments by witnesses. Broadly captioned.
Fiscal Note: (Dated January 13, 2022) NOT SIGNIFICANT
Public Chapter: [PC642.pdf](#)
Effective Date: 03/11/22

SJR57 HEALTH CARE: Designates May 2021 as "Williams Syndrome Awareness Month" in Tennessee.

Sponsors: Sen. Gardenhire, Todd ,
Summary: Designates May 2021 as "Williams Syndrome Awareness Month" in Tennessee.
Fiscal Note: (Dated January 22, 2021) NOT SIGNIFICANT

HJR733 HEALTH CARE: Treatment of persons with intellectual and developmental disabilities.

Sponsors: Rep. Whitson, Sam
Summary: Recognizes that persons with intellectual or developmental disabilities deserve to be treated with dignity and respect and that certain terms and phrases that may cause harm to such persons need to be removed from common usage.
Position: **SUPPORT**



Insurance

SB1310/HB677 INSURANCE HEALTH: Insurer step therapy protocols for prescription drug coverage.

Sponsors: Sen. Hensley, Joey , Rep. Hall, Mark

Summary: Establishes guidelines for clinical review criteria used to establish step therapy protocols. Defines "step-therapy protocol" as a protocol that establishes a specific sequence in which prescription drugs are covered by an insurer or health plan. Requires a clear, accessible and convenient process to request a step-therapy exception. Specifies conditions in which the insurer or health plan is required to grant an exception.

Amendment Summary: Senate amendment 1 (015784) rewrites this bill to require a health carrier, health benefit plan, or utilization review organization that denies coverage of a prescription drug for the treatment of a medical condition through the use of a step therapy protocol to provide access to a clear, readily accessible, and convenient process for a patient or prescribing practitioner to request a step therapy exception. This amendment provides that "step therapy exception" occurs when a step therapy protocol is overridden in favor of immediate coverage of the healthcare provider's selected prescription drug. This amendment provides that a health carrier, health benefit plan, or utilization review organization may use its existing medical exceptions process to satisfy this requirement. This amendment requires a health carrier, health benefit plan, or utilization review organization to grant a step therapy exception if: (1) The required prescription drug is contraindicated or will likely cause an adverse reaction to, or physical or mental harm to, the patient due to a documented adverse event with a previous use of the required prescription drug or a documented medical condition, including a comorbid condition; (2) The required prescription drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug regimen; (3) The required prescription drug is not in the best interest of the patient, based on clinical appropriateness, because the patient's use of the drug is expected to: (A) Cause a significant barrier to the patient's adherence to or compliance with the patient's plan of care; (B) Worsen a comorbid condition of the patient; or (C) Decrease the patient's ability to achieve or maintain reasonable functional ability in performing daily activities; or (4) The patient is currently receiving a positive therapeutic outcome on a prescription drug selected by the patient's healthcare provider for the medical condition under consideration while on a current or previous health insurance or health benefit plan, and the patient's healthcare provider gives documentation to the health insurance, health benefit plan, or utilization review organization that the change in prescription drug required by the step therapy protocol is expected to be ineffective or cause harm to the patient based on the known characteristics of the



specific enrollee and the known characteristics of the required prescription drug. Under this amendment, upon granting a step therapy exception, the health carrier, health benefit plan, or utilization review organization will authorize coverage for the prescription drug prescribed by the patient's treating healthcare provider if the prescription drug is covered under the current health insurance, health benefit plan, or utilization review organization. This amendment requires a health carrier, health benefit plan, or utilization review organization to grant or deny a step therapy exception request or an appeal within the turnaround times established pursuant to the Health Care Service Utilization Review Act. If a response by a health carrier, health benefit plan, or utilization review organization is not received within that time period, then the exception will be granted. A step therapy exception is eligible for appeal by an insured. This amendment specifies that the use of pharmaceutical samples of a required prescription drug will not be considered a trial of the required prescription drug as part of a step therapy protocol. House amendment 3 (014886) clarifies that the grant therapy exception will be granted if one of the circumstances described above in items (1)-(4) of the summary for Senate Amendment #1 applies.

Fiscal Note:

(Dated March 4, 2021) Increase State Expenditures - \$8,332,800/FY21-22 \$16,665,700/FY22-23 and Subsequent Years. Increase Federal Expenditures - \$14,914,700/FY21-22 \$29,829,400/FY22-23 and Subsequent Years. Increase Local Expenditures Exceeds \$43,600/FY21-22 Exceeds \$87,300/FY22-23 and Subsequent Years. Other Fiscal Impact - Passage of the proposed legislation will result in an additional increase in state and federal expenditures to the Division of TennCare CoverKids program; however, due to multiple unknown factors a precise estimate cannot be determine with reasonable certainty.

Public Chapter:

[PC1020.pdf](#)

Effective Date:

05/11/22, 01/01/23

SB2453/HB2655 INSURANCE HEALTH: Telehealth services reimbursement regulations.

Sponsors:

Sen. Yager, Ken , Rep. Hawk, David

Summary:

Extends the statutory provision regulating reimbursements for healthcare services provided during a telehealth encounter beyond April 1, 2022. Tolls for the duration of any state of emergency the 16-month period that a provider can offer telemedicine services to the patient without having an in-person encounter. Allows a healthcare provider to provide medical services through telehealth if the service is not otherwise outside the provider's license.

Amendment Summary:

House amendment 1 (014001) extends indefinitely the period for reimbursement for healthcare services provided by a telehealth encounter past April 1, 2022. Tolls the 16-month period that a provider can offer telemedicine services to their patient without having an in-



person encounter for the duration of a state of emergency declared by the governor, provided that the healthcare services provider or the patient, or both, are located in the geographical area covered by the applicable state of emergency.

Fiscal Note: (Dated February 12, 2022) NOT SIGNIFICANT
Public Chapter: [PC766.pdf](#)
Effective Date: 04/01/22

Professions and Licensure

SB1859/HB1999 PROFESSIONS & LICENSURE: Accessible Prescription Labels Act.

Sponsors: Sen. Massey, Becky , Rep. Jernigan, Darren
Summary: Requires pharmacies offer accessible prescription labels to patients identifying as blind, visually impaired, or otherwise print disabled. Declares options of audible label readers, large print, or Braille be offered to patients depending on their needs and at no extra cost.
Amendment Summary: Senate amendment 1 (014927) adds a preamble and rewrites this bill to require the board of pharmacy to promulgate rules necessary to ensure that an individual who is blind, visually impaired, or otherwise print disabled has appropriate access to prescription labels, bag tags, and medical guides.
Fiscal Note: (February 19, 2022) Increase State Expenditures - \$332,600/FY22-23 and Subsequent Years Increase Federal Expenditures - \$515,500/FY22-23 and Subsequent Years Increase Local Expenditures - \$4,700/FY22-23 and Subsequent Years*
Public Chapter: [PC1010.pdf](#)
Effective Date: 05/09/22
Position: **SUPPORT**

SB1927/HB1917 PROFESSIONS & LICENSURE: Notification to the applied behavioral analyst licensing committee.

Sponsors: Sen. Powers, Bill , Rep. Whitson, Sam
Summary: Reduces the time within which a licensed assistant behavioral analyst must notify the licensing committee of a change in their supervision status from 10 to 5 days. Broadly captioned.
Amendment Summary: Senate amendment 1 (013748) allows an LBA to administer behavioral scales that are within the scope of the practice of applied behavior analysis. When administering behavioral scales, an LBA must only use the results to guide treatment planning and monitor the treatment progress, must not interpret the overall results for diagnosis, an overall conceptualization of psychological functioning, intelligence, or



neuropsychological functioning, and may submit the results to an insurer if required to do so.

Fiscal Note: (Dated January 30, 2022) NOT SIGNIFICANT
Public Chapter: [PC758.pdf](#)
Effective Date: 03/31/22

TennCare/Medicaid

SB2463/HB2347 TENNCARE: Study on use of temporary staffing provided by healthcare staffing agencies in long-term care facilities.

Sponsors: Sen. Reeves, Shane , Rep. Boyd, Clark
Summary: Requires the comptroller of the treasury, in conjunction with the bureau of TennCare and the department of health, to study the use of temporary staffing provided by healthcare staffing agencies in long-term care facilities. Requires that the study examine the effects that costs of temporary staffing have upon the TennCare program and upon assisted-care living facilities, and practices that may improve the quality of long-term care for residents while reducing costs to the TennCare program. Requires the comptroller to deliver the report to the speaker of the senate, the speaker of the house, and the legislative librarian by January 1, 2023.

Fiscal Note: (Dated February 24, 2022) NOT SIGNIFICANT
Public Chapter: [PC1118.pdf](#)
Effective Date: 06/01/22

Transportation

SB2301/HB2318 TRANSPORTATION VEHICLES: Design of disabled license plates.

Sponsors: Sen. Massey, Becky , Rep. Jernigan, Darren
Summary: Requires disabled license plates use the same color scheme, base design, and details as used on standard license plates. Broadly captioned.

Amendment Summary: Senate amendment 1 (013728) beginning January 1, 2023, requires the design of registration and license plates for disabled drivers incorporate the color scheme, base design, and details used on standard registration and license plates. Requires that the existing supply of plates be utilized prior to the required redesign.

Fiscal Note: (Dated February 12, 2022) Increase State Expenditures \$572,100/FY22-23. Other Fiscal Impact - TRICOR will receive \$572,100 in revenue in



FY22-23 to compensate for production, warehousing, and distribution costs.

Public Chapter:

PC761.pdf

Effective Date:

03/31/22

Welfare

SB2071/HB2096 WELFARE: Department authorization pertaining to work requirements.

Sponsors:

Sen. Johnson, Jack , Rep. Lamberth, William

Summary:

Requires the department of human services to obtain specific authorization from the general assembly before seeking, applying for, accepting, or renewing a waiver of work requirements established by the Supplemental Nutrition Assistance Program. Prohibits the department from exercising the state's option to provide an exemption from work requirements. Requires the department to assign all individuals subject to requirements to an employment and training program.

Amendment

Summary:

Senate amendment 1 (016983) rewrites this bill and requires the department of human resources to submit a report to the general assembly no later than October 31, 2022, and annually thereafter, to include the following: (A) Information from the preceding federal fiscal year related to all instances in which the department sought, applied for, accepted, or renewed a waiver of or exemption to work requirements under the supplemental nutrition assistance program (SNAP) during that federal fiscal year, including details about why the waiver or exemption was sought, applied for, accepted, or renewed, the duration of the waiver or exemption, and the location where the waiver or exemption was applicable; and (B) Information from the preceding federal fiscal year related to the number of recipients receiving SNAP benefits in this state, the amount of benefits received, the number of recipients subject to the work requirements of SNAP, and the number of recipients participating in the SNAP employment and training program. This amendment prohibits the department from providing an exemption from the work requirement, as provided under federal law, to able-bodied adults without dependents (ABAWDs) if the individual: (1) Refuses, at the time of application and every 12 months thereafter, to register for employment in a manner prescribed by the United States department of agriculture; (2) Refuses, without good cause, to participate in an employment and training program to the extent required by the department; (3) Refuses, without good cause, to provide the department with sufficient information to allow the department to determine the employment status or the job availability of the individual; or (4) Voluntarily and without good cause quits a job or reduces work effort and, after the reduction, the individual is working less than 30 hours per week.



Fiscal Note: (Dated March 7, 2022) Increase State Expenditures - \$227,688,000/FY22-23 \$227,289,800/FY23-24 and Subsequent Years
Increase Federal Expenditures - \$406,009,100/FY22-23
\$405,610,800/FY23-24 and Subsequent Years

Public Chapter: [PC972.pdf](#)

Effective Date: 05/03/22