



## Weekly Legislative Update 2018

April 27, 2018

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## Budget and Appropriations

### **SB1965/HB2027 PUBLIC FINANCE: Grant payments for nursing home care.**

*Sponsors:* Sen. Watson, Bo , Rep. Johnson, Curtis  
*Summary:* Requires that payments made under the grant assistance program for nursing home care to be made monthly or quarterly. Requires that grant payments be forwarded to the persons individual address and are only to be paid to the persons legally authorized representative.  
*Fiscal Note:* (Dated January 31, 2018) NOT SIGNIFICANT  
*Senate Status:* 04/23/18 - Taken off notice in Senate Finance, Ways & Means Committee.  
*House Status:* 02/05/18 - Referred to House Finance, Ways & Means Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 42; Title 43; Title 44; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 61; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71, relative to statutory revisions required for implementation of the annual appropriations act.

### **SB1966/HB2176 PUBLIC FINANCE: Appropriations - FY 2017-2018.**

*Sponsors:* Sen. Watson, Bo , Rep. Hazlewood, Patsy  
*Summary:* Designates a certain sum of funds made available to the Department of Transportation to be used solely for general bills or resolutions of that designates a highway as a memorial highway or designates a bridge on such routes as a memorial bridge for certain individuals killed in the line of duty.  
*Senate Status:* 04/23/18 - Taken off notice in Senate Finance, Ways & Means Committee.  
*House Status:* 02/05/18 - Referred to House Finance, Ways & Means Subcommittee.  
*Caption:* AN ACT to make appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2017, and July 1, 2018, 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. This act makes appropriations for the purposes described above for the fiscal years beginning July 1, 2017, and July 1, 2018.



## **SB2552/HB2644 PUBLIC FINANCE: Appropriations - FY 2017 -2018.**

<i>Sponsors:</i>	Sen. Norris, Mark , Rep. Sargent, Charles
<i>Summary:</i>	Makes appropriations for the fiscal years beginning July 1, 2017, and July 1, 2018.
<i>Amendment Summary:</i>	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.
<i>Senate Status:</i>	04/18/18 - Senate passed with amendment 2 (017302), amendment 3 (017533), and amendment 4 (010000).
<i>House Status:</i>	04/19/18 - House concurred in Senate amendment 2 (017302), amendment 3 (017533), and amendment 4 (010000).
<i>Executive Status:</i>	04/19/18 - Sent to the speakers for signatures.
<i>Caption:</i>	AN ACT to make appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2017, and July 1, 2018, 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. This act makes appropriations for the purposes described above for the fiscal years beginning July 1, 2017, and July 1, 2018.

## **SB2553/HB2646 PUBLIC FINANCE: Statutory revisions required for implementation of the annual appropriations act.**

<i>Sponsors:</i>	Sen. Norris, Mark , Rep. Sargent, Charles
<i>Summary:</i>	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.

*Fiscal Note:* (Dated February 2, 2018) NOT SIGNIFICANT

*Senate Status:* 04/18/18 - Senate passed.

*House Status:* 04/17/18 - House passed with amendment 1 (013000).

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71, relative to statutory revisions required for implementation of the annual appropriations act.

## Conservatorship

### **SB2077/HB2117 ESTATES & TRUSTS: Public guardianship for elderly persons and adults with disabilities.**

*Sponsors:* Sen. Yager, Ken , Rep. Kumar, Sabi

*Summary:* Lowers the age requirement in the statewide public conservatorship program from 60 years or older to 40 years or older. Changes statutory language to broaden the program to include adults with disabilities.

*Senate Status:* 02/05/18 - Referred to Senate Judiciary Committee.

*House Status:* 02/05/18 - Referred to House Civil Justice Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 34, Chapter 7 and Title 71, Chapter 2, relative to the public guardianship for elderly persons and adults with disabilities.

## Criminal Law

### **SB775/HB794 CRIMINAL LAW: Interrogation or interview of a child suspected of committing a delinquent act or unruly conduct.**

*Sponsors:* Sen. Beavers, Mae , Rep. Sparks, Mike

*Summary:* Prohibits interrogation of a child who has been taken into custody for committing a delinquent act except in the presence of the child's legal counsel, parent, guardian, or custodian. Requires that a video recording be made of the interview and that the child be informed of their rights pertaining to this law.



*Fiscal Note:* (Dated March 30, 2017) Increase State Expenditures \$200/One-Time/Department of Safety Exceeds \$246,600/Recurring/Indigent Defense Fund Increase Local Expenditures Exceeds \$56,000/One-Time\* Exceeds \$11,200/Recurring\*

*Senate Status:* 02/13/17 - Referred to Senate Judiciary Committee.

*House Status:* 02/14/17 - Referred to House Criminal Justice Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 37 and Title 39, relative to juvenile justice.

**SB2277/HB2043 CRIMINAL LAW: Rape of a person with an intellectual disability.**

*Sponsors:* Sen. Pody, Mark , Rep. Deberry Jr., John

*Summary:* Increases from a Class B to a Class A felony range II offender for a person convicted of rape of a person with an intellectual disability.

*Fiscal Note:* (Dated March 5, 2018) Increase State Expenditures \$492,500 Incarceration\*

*Senate Status:* 03/20/18 - Taken off notice in Senate Judiciary Committee.

*House Status:* 03/13/18 - Taken off notice in House Criminal Justice Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5 and Title 40, relative to intellectually disabled victims.

**SB2621/HB2159 CRIMINAL LAW: 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.

*Fiscal Note:* (Dated February 4, 2018) Increase State Expenditures Net Impact \$3,125,800 Incarceration\* Increase Local Expenditures Less Than \$114,700\*\*

*Senate Status:* 04/24/18 - Senate passed with amendment 3 (017704) and amendment 4 (017792).

*House Status:* 04/25/18 - House concurred in Senate amendments 3 and 4.

*Executive Status:* 04/25/18 - Sent to the speakers for signatures.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 71, relative to elderly and vulnerable adults.

## Education

### **SB481/HB501 EDUCATION: Adds funding for three Response to Instruction and Intervention positions within each public school.**

*Sponsors:* Sen. Tracy, Jim , Rep. Pitts, Joe

*Summary:* Adds funding for three Response to Instruction and Intervention positions within each public school to the BEP calculation.

*Fiscal Note:* (Dated March 11, 2017) Increase State Expenditures \$246,212,800 Increase Local Expenditures Exceeds \$550,000\*

*Senate Status:* 03/14/18 - Taken off notice in Senate Education Committee.

*House Status:* 04/03/18 - Taken off notice in House Education Administration and Planning Committee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 3, Part 3, relative to funding.

### **SB558/HB372 EDUCATION: 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.

*Fiscal Note:* (Dated February 18, 2017) Increase Local Expenditures \$253,600\*  
*Senate Status:* 04/24/18 - Senate concurred in House amendment 2 (012721).  
*House Status:* 04/23/18 - House passed with amendment 2 (012721).  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 5 and Title 49, Chapter 6, relative to physical education.

**SB805/HB1278 EDUCATION: Clarifies who constitutes a parent for presence on school premises.**

*Sponsors:* Sen. Dickerson, Steven , Rep. Love Jr., Harold  
*Summary:* Clarifies who is a parent for purposes of being on school premises. Defines "parent" to include a parent, foster parent, legal guardian, or person having physical custody of a child.

*Fiscal Note:* (Dated March 2, 2017) NOT SIGNIFICANT  
*Senate Status:* 04/05/17 - Senate Education Committee deferred to 2018.  
*House Status:* 01/16/18 - Taken off notice in House Education Administration and Planning Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

**SB987/HB1109 EDUCATION: Requirements for IEA.**

*Sponsors:* Sen. Kelsey, Brian , Rep. Deberry Jr., John  
*Summary:* Removes requirement that an eligible student be previously enrolled in a public school for two semesters prior to receiving an individualized education account, attend a Tennessee school for the first time, or receive an account in the previous school year in order to be considered eligible to receive an individualized education account. Broadly captioned.

*Amendment Summary:* House Finance, Ways & Means Committee amendment 1 (017742) deletes all language after the enacting clause. Requires the Office of Research and Education Accountability in the Office of the Comptroller of the Treasury (COT) to study and report on the use of funding provided by the state share of funds generated for components within the instructional salaries and





wages category of the basic education program. Senate Education Committee amendment 1 (016287) rewrites the bill. Requires the office of research and education accountability (OREA) to study and report on local education agencies use of the substantial funding increases. Requires OREA to report its findings to the education committee of the senate and the education administration and planning committee of the house of representatives no later than January 31, 2019. Authorizes four-year public institutions of higher education to create a school of classical liberal virtue to teach courses on classical liberal political theory, classical economics, and the morality of the founding fathers of the United States constitution, utilizing original source materials. House amendment 1 (016572) rewrites this bill to require the office of research and education accountability in the office of the comptroller of the treasury to study and report on local education agencies' use of the substantial funding increases provided by the state share of funds generated for components within the instructional salaries and wages category of the basic education program in the preceding three fiscal years and report its findings to the education committee of the senate and the education administration and planning committee of the house of representatives no later than January 31, 2019. House amendment 3 (017486) adds to present law regarding assessment of teachers with access to individual data representative of student growth to provide that, for the 2017-2018 through 2019-2020 school years, student growth evaluation composites generated by assessments administered in the 2017-2018 school year will be excluded from the student growth measure if such exclusion results in a higher evaluation score for the teacher or principal. This amendment specifies that the qualitative portion of the evaluation will be increased to account for any necessary reduction to the student growth measure. House amendment 2 (017483) adds to present law regarding elementary and secondary education proficiency testing that, beginning with the 2018-2019 school year, TNReady assessments will not be administered in computerized formats, but will instead be administered in paper testing formats.

*Fiscal Note:*

(Dated March 7, 2017) Increase State Revenue \$5,000/FY18-19/Department of Education \$5,400/FY19-20/Department of Education \$5,500/FY20-21/Department of Education Exceeds \$5,500/FY21-22 and Subsequent Years/Department of Education Increase Local Expenditures Exceeds \$37,400/FY18-19\* Other Fiscal Impact For local education agencies (LEAs) with students that opt to participate in the IEA program, the net shift of state and required local BEP funding from these local education agencies to the participating entities, is estimated as follows: \$119,600 in FY18-19; \$129,400 in FY19-20; \$133,300 in FY20-21; and amounts exceeding \$133,300 in FY21-22 and subsequent years.

*Senate Status:*

04/24/18 - Re-referred to Senate Calendar Committee.

*House Status:*

04/24/18 - Taken off notice in House Calendar & Rules Committee.

*Caption:*

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.



**SB1617/HB2197 EDUCATION: Notification to department regarding high performing school districts.**

*Sponsors:* Sen. Gresham, Dolores , Rep. Littleton, Mary  
*Summary:* Requires a local board of education that declares its LEA to be a high performing school district to notify the commissioner of education. Requires the commissioner to include the school district on a list of high performing districts on the department's website beginning on July 1 following the local board action and for three years thereafter. Broadly captioned.  
*Fiscal Note:* (Dated January 22, 2018) NOT SIGNIFICANT  
*Senate Status:* 01/18/18 - Referred to Senate Education Committee.  
*House Status:* 02/05/18 - Referred to House Education Administration and Planning Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to kindergarten through grade twelve (K- 12) education.

**SB1618/HB1968 EDUCATION: 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.



*Fiscal Note:* (Dated January 23, 2018) NOT SIGNIFICANT  
*Senate Status:* 03/29/18 - Senate passed with amendment 1 (013786).  
*House Status:* 04/02/18 - House passed.  
*Executive Status:* 04/19/18 - Enacted as Public Chapter 0725 effective April 18, 2018.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to K-12 education.

**SB1619/HB1928 EDUCATION: Reporting on early postsecondary courses LEAs are offering.**

*Sponsors:* Sen. Gresham, Dolores , Rep. Moody, Debra  
*Summary:* Requires the department of education to survey LEAs as to the early postsecondary courses the LEAs are offering and report back so that partnerships to offer courses may more readily be formed. Allows department to provide the report electronically. Broadly captioned.

*Fiscal Note:* (Dated January 23, 2018) NOT SIGNIFICANT  
*Senate Status:* 01/18/18 - Referred to Senate Education Committee.  
*House Status:* 01/31/18 - Referred to House Education Instruction and Programs Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to kindergarten through grade twelve (K- 12) education.

**SB1625/HB1685 EDUCATION: Individualized implementation plans for RTI<sup>2</sup> education.**

*Sponsors:* Sen. Gresham, Dolores , Rep. Smith, Eddie  
*Summary:* Requires the department of education to create a process to allow LEAs to develop individualized implementation plans for RTI<sup>2</sup> education. Specifies that the process must require, at a minimum, all RTI<sup>2</sup> implementation plans submitted to the department for approval to provide the LEA's strategy for funding RTI<sup>2</sup> education. Gives the department the authority to approve or deny any LEA's individualized implementation plan for RTI<sup>2</sup> education.

*Fiscal Note:* (Dated February 15, 2018) Other Fiscal Impact Recurring federal funds for K-12 education may be jeopardized as a result of this legislation. The precise amount, if any, cannot be reasonably determined. However, the Department of Educations Annual Statistical Report (ASR), in table 14, identifies \$231,701,200 in federal funding for the Individuals with Disabilities Education Act (IDEA).

*Senate Status:* 01/18/18 - Referred to Senate Education Committee.  
*House Status:* 02/27/18 - House Education Instruction and Programs Committee deferred to Summer Study.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to response to instruction and intervention (RTI<sup>2</sup>).



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

<i>Sponsors:</i>	Sen. Norris, Mark , Rep. Forgety, John
<i>Summary:</i>	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.
<i>Amendment Summary:</i>	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.
<i>Fiscal Note:</i>	(Dated February 27, 2018) Decrease State Revenue - \$1,000,000/FY19-20 and Subsequent Years Other Fiscal Impact Mandatory increases in local expenditures for the provision of liability insurance coverage provided by local education agencies for students participating in work-based learning opportunities. The extent of any such impacts cannot be determined for they are dependent upon several unknown factors.
<i>Senate Status:</i>	04/25/18 - Senate non-concurred in House amendment 2 (017343).
<i>House Status:</i>	04/25/18 - House reconsidered its actions, withdrew House amendment 2, and repassed the bill.
<i>Caption:</i>	AN ACT to amend Tennessee Code Annotated, Title 49; Title 50, Chapter 6 and Title 67, relative to work- based learning.

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

<i>Sponsors:</i>	Sen. Dickerson, Steven , Rep. Love Jr., Harold
<i>Summary:</i>	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.

*Fiscal Note:* (Dated January 24, 2018) NOT SIGNIFICANT  
*Senate Status:* 02/05/18 - Senate passed.  
*House Status:* 03/08/18 - House passed.  
*Executive Status:* 03/26/18 - Enacted as Public Chapter 0592 effective March 22, 2018.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Section 49-6-3004, relative to instructional time.

**SB1666/HB1583 EDUCATION: Education of children in state custody.**

*Sponsors:* Sen. Dickerson, Steven , Rep. Kane, Roger  
*Summary:* Requires the department of children's services to provide a residential mental health facility that contracts with the department for provision of services to children in state custody education funding equal to the average daily rate of education funding. Specifies that in order to receive such funding the mental health facility must be approved to operate as a Category I special purpose school pursuant to state board of education rules and regulations and must provide a minimum of sixteen and one-half hours per week of education instruction to the students admitted.

*Fiscal Note:* (Dated March 1, 2018) Increase State Expenditures \$1,805,700  
*Senate Status:* 01/24/18 - Referred to Senate Health & Welfare Committee.  
*House Status:* 01/22/18 - Referred to House Education Administration and Planning Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Section 49-3-363, relative to the education of children in state custody.

**SB1778/HB1747 HEALTH CARE: Staffing of telehealth services at school site.**

*Sponsors:* Sen. Crowe, Rusty , Rep. Hill, Matthew  
*Summary:* Amends language by adding licensed educational personnel trained in conducting the telecommunications encounter and equipped to engage in telehealth services at a school clinic.

*Fiscal Note:* (Dated February 24, 2018) Increase State Expenditures - \$451,000  
Increase Federal Expenditures - \$870,000 Increase Local Expenditures Exceeds \$1,170,000/Permissive  
*Senate Status:* 01/25/18 - Referred to Senate Commerce & Labor Committee.  
*House Status:* 03/14/18 - Taken off notice in House Health Subcommittee.  
*Executive Status:* 03/12/18 - Taken off notice in Joint Council on Pensions and Insurance.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 56; Section 63-1-155 and Title 71, relative to telehealth.



**SB1779/HB2246 EDUCATION: Report on traineeships and fellowships for students in training programs for the education of students with disabilities.**

*Sponsors:* Sen. Crowe, Rusty , Rep. Faison, Jeremy  
*Summary:* Requires the commissioner of education to include in its an annual report information on traineeships and fellowships for students who are enrolled in teacher preparation programs and are in training programs for the education of students with disabilities.  
*Fiscal Note:* (Dated February 27, 2018) NOT SIGNIFICANT  
*Senate Status:* 01/25/18 - Referred to Senate Education Committee.  
*House Status:* 03/27/18 - Taken off notice in House Education Administration and Planning Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to students with disabilities.

**SB1901/HB1870 EDUCATION: 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.  
*Fiscal Note:* (Dated February 25, 2018) NOT SIGNIFICANT  
*Senate Status:* 04/04/18 - Senate passed.  
*House Status:* 03/22/18 - House passed with amendment 1 (013939).  
*Executive Status:* 04/24/18 - Enacted as Public Chapter 0767 effective July 1, 2018.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 10, relative to special education.

**SB1947/HB2331 EDUCATION: 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.

*Fiscal Note:*

(Dated March 5, 2018) NOT SIGNIFICANT

*Senate Status:*

04/04/18 - Senate passed.

*House Status:*

04/04/18 - House passed with amendment 1 (015245).

*Executive Status:*

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

*Caption:*

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 6, relative to corporal punishment.

**SB1969/HB2628 EDUCATION: Creation of policy to provide special education services to students with documented learning disabilities.**

*Sponsors:*

Sen. Harper, Thelma , Rep. Turner, Johnnie

*Summary:*

Requires the governing board of each state university, the trustees of the University of Tennessee, and the board of regents to create a policy to provide special education services to students with documented learning disabilities and special needs. Specifies that the policy shall require each state institution of higher education to provide, at a minimum, tutoring services and career placement guidance for students with learning disabilities.

*Fiscal Note:*

(Dated February 24, 2018) NOT SIGNIFICANT

*Senate Status:*

02/01/18 - Referred to Senate Education Committee.

*House Status:*

02/28/18 - Taken off notice in House Education Instruction and Programs Subcommittee.

*Caption:*

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9, relative to special education services in state institutions of higher education.

**SB2013/HB2165 EDUCATION: 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.  
*Fiscal Note:* (Dated February 16, 2018) NOT SIGNIFICANT  
*Senate Status:* 04/23/18 - Senate concurred in House amendment 2 (015793).  
*House Status:* 04/19/18 - House passed with amendment 2 (015793).  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 5 and Title 49, Chapter 6, relative to the teacher code of ethics.

**SB2018/HB2005 EDUCATION: Allows a parent or a parent's designee to observe instruction.**

*Sponsors:* Sen. Haile, Ferrell , Rep. Pitts, Joe  
*Summary:* Requires an LEA to create a policy to allow a parent or a parent's designee to observe instruction and other school activities to ensure that a parent of a student can participate fully and effectively in the consideration and development of appropriate education programs for the parent's student. Requires school officials to arrange for observation of class, activity, or program upon written request by the parent to the director of schools or the director's designee.

*Fiscal Note:* (Dated March 16, 2018) NOT SIGNIFICANT  
*Senate Status:* 03/21/18 - Taken off notice in Senate Education Committee.  
*House Status:* 03/21/18 - Taken off notice in House Education Instruction and Programs Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to observation of students in schools.

**SB2029/HB2690 EDUCATION: 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.

*Fiscal Note:* (Dated March 4, 2018) Other Fiscal Impact Recurring federal funds for K-12 education may be jeopardized as a result of this legislation. The precise amount, if any, cannot be reasonably determined.

*Senate Status:* 04/18/18 - Senate passed.

*House Status:* 04/17/18 - House passed with amendment 1 (015136).

*Executive Status:* 04/18/18 - Sent to the speakers for signatures.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to privacy.

**SB2143/HB2149 EDUCATION: Electronic textbooks in elementary and secondary schools.**

*Sponsors:* Sen. Haile, Ferrell , Rep. Pitts, Joe

*Summary:* Requires the commissioner of education to make recommendations to house and senate education committees regarding the availability of electronic textbooks for students in elementary and secondary schools. Requires the commissioner to send a report of their findings to the education committees by February 01, 2019.

*Fiscal Note:* (Dated February 6, 2018) NOT SIGNIFICANT

*Senate Status:* 03/28/18 - Taken off notice in Senate Education Committee.

*House Status:* 03/21/18 - House Education Instruction and Programs Subcommittee deferred to Summer Study Committee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

**SB2259/HB2114 EDUCATION: Complete College Tennessee Act.**

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

*Summary:* "Complete College Tennessee Act." Requires students receiving the Tennessee Promise scholarship to complete 30 college credit hours by their third semester and sets stipulations for reducing scholarships of students who do not meet their credit requirements. Allows students enrolled in summer courses part-time to receive the Tennessee Promise scholarship. Exempts students with learning disabilities from the new requirements. Establishes similar rules for students receiving the Tennessee HOPE scholarship. Outlines framework for program as well as a timeline for delivering reports. Charges the Tennessee board of regents



*Amendment  
Summary:*

with overseeing and implementing these rule changes. This bill is part of the governor's Administration Package.

House amendment 5 (017063) rewrites the bill. Deletes all language after the caption such that the substantive changes are as follows: (1) clarifies that students with a documented disability whose programs of study requires fewer than 30 semester hours in a three-consecutive-semester period, to be exempt from meeting the 30-semester hour requirement in order to receive the maximum award for the Tennessee Promise and Hope scholarship; (2) authorizes a student who is unable to complete 30 semester hours in a three-consecutive-semester period due to academic or other extenuating circumstances may appeal the reduction of an award; (3) requires THEC to make an annual public announcement to identify, for each eligible two-year postsecondary institution and each eligible four-year postsecondary institution, the percentage of Tennessee Promise scholarship students enrolled at the institution who are on-track to earn an associate degree within five semesters if the institution is on a semester system, or its equivalent, if the institution is on a system other than a semester system using a tier classification schedule; (4) requires THEC to make an annual public announcement to identify, for each eligible postsecondary institution, the percentage of Tennessee Hope scholarship students enrolled at the institution who are on-track to earn a baccalaureate degree within eight full-time equivalent semesters using a tier classification schedule; and (5) establishes any credit hours completed by a Tennessee Promise or HOPE scholarship student that exceeds 30 credit hours in a three-consecutive-semester period may be used to satisfy the 30 hour requirement in a subsequent three-consecutive-semester period. Senate Education Committee amendment 1 (015020) deletes and replaces language in the original bill such that the only substantive change authorizes a student who is unable to complete 30 semester hours in a three-consecutive-semester period due to academic or other extenuating circumstances may appeal the reduction of an award.

*Fiscal Note:*

(Dated February 12, 2018) Decrease State Expenditures \$3,968,000/FY19-20/Lottery for Education Account Exceeds \$3,968,000/FY20-21 and Subsequent Years/ Lottery for Education Account

*Senate Status:*

04/24/18 - Re-referred to Senate Calendar Committee.

*House Status:*

04/23/18 - Re-referred to House Calendar & Rules.

*Caption:*

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, Part 7; Title 49, Chapter 4, Part 9 and Title 49, Chapter 8, Part 1, relative to higher education.

**SB2330/HB2330 EDUCATION: Corporal punishment against disabled students.**

*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.

*Fiscal Note:*

(Dated February 7, 2018) NOT SIGNIFICANT

*Senate Status:*

04/17/18 - Senate passed.

*House Status:*

04/04/18 - House passed with amendment 1 (014729).

*Executive Status:*

04/17/18 - Sent to the speakers for signatures.

*Caption:*

AN ACT to amend Tennessee Code Annotated, Title 49, relative to corporal punishment of students with disabilities.

**SB2545/HB2516 EDUCATION: Annual implicit bias in-service training for school personnel.**

*Sponsors:*

Sen. Tate, Reginald , Rep. Akbari, Raumesh

*Summary:*

Requires all school personnel to receive annual implicit bias in-service training in order to deliver more equitable education to all students. Requires the department of education to develop a model evidence-based bias reducing program to be used by school personnel. Authorizes the LEA to develop its own program to be approved by the commissioner. Requires students desiring a license to teach to complete implicit bias training.

*Amendment Summary:*

House Education Instructions and Programs Subcommittee amendment 1 (013320) removes the requirement that prospective teachers must pass a class on implicit bias training in order to qualify for teacher licensure.

*Fiscal Note:*

(Dated February 18, 2018) Increase State Expenditures Exceeds \$32,000/One-Time

*Senate Status:*

02/05/18 - Referred to Senate Education Committee.

*House Status:*

02/28/18 - Taken off notice in House Education Instruction and Programs Subcommittee.

*Caption:*

AN ACT to amend Tennessee Code Annotated, Title 49, relative to implicit bias training.

**SB2582/HB1595 EDUCATION: Expelling of student for offenses committed against teacher or LEA employee.**

*Sponsors:*

Sen. Hensley, Joey , Rep. Butt, Sheila



*Summary:* Reduces the offense level for which a student must be expelled from school for a period of not less than one calendar year if the offense is committed against a teacher, principal, administrator, any other employee of the LEA, or school resource officer from aggravated assault to an assault resulting in bodily injury,

*Fiscal Note:* (Dated February 16, 2018) NOT SIGNIFICANT

*Senate Status:* 02/05/18 - Referred to Senate Education Committee.

*House Status:* 03/06/18 - Taken off notice in House Education Administration and Planning Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to school safety.

**SB2587/HB2003 EDUCATION: Annual report of dyslexia advisory council.**

*Sponsors:* Sen. Hensley, Joey , Rep. Terry, Bryan

*Summary:* Requires the dyslexia advisory council to annually submit a report no later than December 31 of each year to the education committee of the senate, the education administration and planning committee of the house of representatives, and the education instruction and programs committee of the house of representatives.

*Fiscal Note:* (Dated February 5, 2018) NOT SIGNIFICANT

*Senate Status:* 03/21/18 - Taken off notice in Senate Education Committee.

*House Status:* 03/20/18 - House Education Administration and Planning Subcommittee deferred to Summer Study Committee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to K-12 education.

**SB2608/HB2491 EDUCATION: Purchase of workbooks and instructional materials with funds from Individual Education Accounts.**

*Sponsors:* Sen. Gresham, Dolores , Rep. Holt, Andy

*Summary:* Permits a parent to not only buy textbooks, but also student workbooks and other instructional material by a participating school from the funds the parents agreed to use in a participating student's individual education accounts (IEA).

*Fiscal Note:* (Dated March 5, 2018) NOT SIGNIFICANT

*Senate Status:* 02/05/18 - Referred to Senate Education Committee.

*House Status:* 02/07/18 - Referred to House Education Instruction and Programs Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49 and Title 67, Chapter 4, relative to education savings accounts.

**SB2610/HB2474 EDUCATION: Eligibility for an individualized education account.**



*Sponsors:* Sen. Gresham, Dolores , Rep. Moody, Debra  
*Summary:* Extends eligibility for an individualized education account to an eligible student with an individualized education program (IEP). Sets requirements to be met for an eligible student requesting participation in the program.  
*Fiscal Note:* (Dated March 9, 2018) Increase State Revenue \$241,900/FY19-20/Department of Education \$272,700/FY20-21/Department of Education \$307,500/FY21-22/Department of Education Exceeds \$307,500/FY22-23 and Subsequent Years/Department of Education Increase State Expenditures \$621,000/FY18-19/General Fund \$240,900/FY19-20 and Subsequent Years/Department of Education Other Fiscal Impact For local education agencies (LEAs) with students that opt to participate in the IEA program, the net shift of state and required local BEP funding from these LEAs to the participating entities is estimated as follows: \$3,789,900 in FY19-20; \$4,271,700 in FY20-21; \$4,817,800 in FY21-22; and amounts exceeding \$4,817,800 in FY22-23 and subsequent years.  
*Senate Status:* 03/21/18 - Taken off notice in Senate Education Committee.  
*House Status:* 03/20/18 - Taken off notice in House Education Administration and Planning Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 10, Part 14, relative to student eligibility for an individualized education account.

## Employment

### **SB1904/HB1899 LABOR LAW: Disability discrimination.**

*Sponsors:* Sen. Yager, Ken , Rep. Brooks, Kevin  
*Summary:* Forbids employers from discriminating against potential employees on the basis of their disability. Requires an employer to provide reasonable accommodation or prove that such an accommodation would put an undue burden on the business in defense of a discrimination charge.  
*Amendment Summary:* Senate Commerce & Labor Committee amendment 1 (014491) Deletes all language after the enacting clause. Requires members of the General Assembly to safeguard individuals within this state from discrimination based on a disability in connection with employment, public accommodations and housing. Establishes that it is a discriminatory practice for an employer to fail or refuse to hire or discriminate against an individual with respect to compensation, terms, conditions or privileges of employment because of an individual's disability. Prohibits an employer from limiting, segregating or classifying an employee or applicants for employment in any way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of an individual's disability. Requests the code commission transfer Tenn. Code Ann. §§ 8-50-103 and 8-50-104, regarding the employment of the disabled, to Tenn. Code Ann. § 4-21-4, and make all applicable cross referencing changes that occur throughout code.  
*Fiscal Note:* (Dated February 17, 2018) NOT SIGNIFICANT





*Senate Status:* 03/13/18 - Senate Commerce & Labor Committee deferred to TCAD for study after adopting amendment 1 (014491).  
*House Status:* 03/14/18 - House Consumer & Human Resources Subcommittee deferred to TCAD for summer study.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 21, relative to disability discrimination.

**SB2249/HB1824 EDUCATION: 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.

*Fiscal Note:* (Dated February 21, 2018) NOT SIGNIFICANT

*Senate Status:* 03/05/18 - Senate passed.  
*House Status:* 03/29/18 - House passed.  
*Executive Status:* 04/19/18 - Enacted as Public Chapter 0720 effective April 12, 2018.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 11, Part 6; Title 49, Chapter 11, Part 7 and Title 49, Chapter 11, Part 8, relative to vocational rehabilitation.

Government Organization

**SB1531/HB1625 GOVERNMENT ORGANIZATION: 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.

*Fiscal Note:* (Dated January 21, 2018) NOT SIGNIFICANT

*Senate Status:* 04/25/18 - Senate adopted conference committee report (017836).  
*House Status:* 04/25/18 - House adopted conference committee report (017836).  
*Executive Status:* 04/25/18 - Sent to the speakers for signatures.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 4, Chapter 3, relative to the department of intellectual and developmental disabilities.





## Health

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

<i>Sponsors:</i>	Sen. Massey, Becky , Rep. Staples, Rick
<i>Summary:</i>	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.
<i>Amendment Summary:</i>	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.
<i>Fiscal Note:</i>	(Dated February 9, 2018) NOT SIGNIFICANT
<i>Senate Status:</i>	04/02/18 - Senate passed with amendment 1 (014458).
<i>House Status:</i>	04/05/18 - House concurred in Senate amendment 1 (014458).
<i>Executive Status:</i>	04/24/18 - Enacted as Public Chapter 0773 effective July 1, 2018.
<i>Caption:</i>	AN ACT to amend Tennessee Code Annotated, Title 63 and Title 68, relative to Down syndrome.

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

<i>Sponsors:</i>	Sen. Norris, Mark , Rep. Hawk, David
<i>Summary:</i>	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, assister 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



*Amendment  
Summary:*

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.

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.

*Fiscal Note:* (Dated February 20, 2018) NOT SIGNIFICANT  
*Senate Status:* 03/22/18 - Senate passed with amendment 1 (014435).  
*House Status:* 03/22/18 - House passed.  
*Executive Status:* 04/11/18 - Enacted as Public Chapter 0655 effective July 1, 2018.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 63 and Title 68, relative to health.

### **SB2362/HB2219 HEALTH CARE: 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.

*Fiscal Note:* (Dated February 4, 2018) NOT SIGNIFICANT  
*Senate Status:* 04/24/18 - Senate concurred in House amendment 2 (017772).  
*House Status:* 04/19/18 - House passed with amendment 2 (016445).  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 33; Title 53; Title 56; Title 63; Title 68 and Title 71, relative to health care.

## Insurance Health

### **SB1609/HB2045 INSURANCE HEALTH: Durable medical equipment providers - participation in a health plan.**

*Sponsors:* Sen. Kelsey, Brian , Rep. Ragan, John  
*Summary:* Prohibits health insurance issuers from denying providers of durable medical equipment participation in health plans. Also prohibits preventing any beneficiary of a plan from selecting the durable medical equipment provider of their choice.  
*Amendment Summary:* Senate Commerce & Labor Committee amendment 1 (015176) rewrites the bill. Requires a managed health insurance issuer to first utilize a competitive bidding process that is open to any legal entity qualified to enter into the contract in order to obtain the lowest bid price if the insurer contracting with the bureau of TennCare intends to enter into a single source contract for the provision of durable medical equipment. Defines durable medical equipment. Joint Council on Pensions and Insurance amendment 1 (014490) deletes and rewrites the bill. Redefines "durable medical equipment." Requires health insurance issuer or a managed health insurance issuer to use competitive bidding when entering into a single source contract providing durable medical equipment to obtain the lowest bid price.



*Fiscal Note:* (Dated February 7, 2018) Increase State Expenditures - \$1,390,800  
Increase Federal Expenditures - \$2,161,800 Increase Local Expenditures  
Exceeds \$45,700\*

*Senate Status:* 03/13/18 - Senate Commerce & Labor Committee deferred to 03/20/18  
after adopting amendment 1 (015176).

*House Status:* 03/14/18 - Failed in House Insurance & Banking Subcommittee due to a  
lack of a second.

*Executive Status:* 03/12/18 - Joint Council on Pensions and Insurance released to standing  
committees with unfavorable comment after adopting amendment 1  
(014490).

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 56; Title 63 and Title  
68, relative to certain practices of health insurance issuers and similar  
entities concerning durable medical equipment.

### Intellectual/Development Disability

#### **SB264/HB941 FAMILY LAW: 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."

*Fiscal Note:* (Dated February 2, 2017) NOT SIGNIFICANT

*Senate Status:* 03/19/18 - Senate concurred in House amendment.

*House Status:* 03/12/18 - House passed with amendment 1 (013536).

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

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 34, relative to  
supported decision-making agreements.

*Position:* **Support**

#### **SB1109/HB1110 TRANSPORTATION VEHICLES: 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.

*Fiscal Note:* (Dated March 9, 2017) Increase State Expenditures Exceeds \$60,000/One-Time Other Fiscal Impact To the extent redesign of the driver license card can be accomplished with one of two available allowances permitted by the current third party vendor contract, any impact would be not significant. Otherwise, redesign of the card will result in an additional one-time state expenditure estimated to be \$100,000.

*Senate Status:* 04/24/18 - Senate passed with amendment 2 (014942) and amendment 3 (016228).

*House Status:* 04/24/18 - House passed.

*Executive Status:* 04/24/18 - Sent to the speakers for signatures.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 38; Title 40 and Title 55, relative to persons with disabilities.

### **SB1830/HB1908 TAXES PROPERTY: Property being used as an intermediate care facility for individuals with intellectual disabilities.**

*Sponsors:* Sen. Southerland, Steve , Rep. Hawk, David  
*Summary:* Requires certain counties with intermediate care facilities on tax exempt property negotiate appropriate payments to the tax jurisdiction in which they are located. If no amount is agreed upon the payments must be at least 25% of the amount the tax would be if the property were not exempt.

*Fiscal Note:* (Dated February 26, 2018) Increase State Expenditures \$5,900 Increase Federal Expenditures \$11,300 Increase Local Revenue Exceeds \$22,500

*Senate Status:* 03/28/18 - Failed in Senate State & Local Government Committee.

*House Status:* 03/06/18 - House Local Government Committee recommended. Sent to House Finance.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 33; Title 67, Chapter 5 and Title 71, Chapter 5, relative to intermediate care facilities.





## Mental Health

### **SB1718/HB1795 HEALTH CARE: 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.  
*Fiscal Note:* (Dated January 28, 2018) NOT SIGNIFICANT  
*Senate Status:* 03/05/18 - Senate passed.  
*House Status:* 03/08/18 - House passed.  
*Executive Status:* 03/26/18 - Enacted as Public Chapter 0593 effective March 22, 2018.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 33; Title 63 and Title 68, relative to adding community mental health centers to healthcare organizations for quality improvement committees.

### **SB1726/HB1901 HEALTH CARE: Mental health service providers - list of accrediting organizations.**

*Sponsors:* Sen. Bell, Mike , Rep. Brooks, Kevin  
*Summary:* Recognizes certain organizations as accredited mental health service providers.  
*Fiscal Note:* (Dated February 28, 2018) NOT SIGNIFICANT  
*Senate Status:* 02/28/18 - Taken off notice in Senate Health & Welfare Committee.  
*House Status:* 03/05/18 - Withdrawn in House.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 33, Chapter 2, Part 4, relative to service providers.

### **SB2040/HB2026 TORT LIABILITY: Unlicensed persons who treat or diagnose mental health disorders.**

*Sponsors:* Sen. Lundberg, Jon , Rep. Farmer, Andrew  
*Summary:* Specifies that a consumer is entitled to care from a competently qualified person when receiving care for a mental health disorder. Requires an unlicensed person who provides counseling services to provide to the client a written notice of unlicensed status and obtain from the client a signed client statement acknowledging the unlicensed status of the provider. Allows an unlicensed person to be civilly liable to the consumer if the unlicensed person knowingly offered mental health counseling or psychotherapy to treat a mental health disorder without being licensed as a mental health provider. Permits the consumer to maintain an action to recover damages, the consideration paid to the unlicensed provider, costs in recovering consideration paid, and three times reasonable attorney's



fees determined by the court. Sets a list of persons who are exempt from this section. Permits any non-licensed person offering counseling or psychotherapy on a fee-for-service basis to have a rebuttable presumption that the services were to treat a mental health disorder if the non-licensed person cannot produce a copy of the client statement for unlicensed therapist signed by the client.

*Fiscal Note:* (Dated March 1, 2018) NOT SIGNIFICANT  
*Senate Status:* 04/03/18 - Taken off notice in Senate Judiciary Committee.  
*House Status:* 04/03/18 - Taken off notice in House Civil Justice Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 29; Title 33 and Title 63, relative to mental health disorders.

**SB2203/HB1925 HEALTH CARE: Study regarding revision to statutes governing mandatory outpatient treatment.**

*Sponsors:* Sen. Swann, Art , Rep. Rudd, Tim  
*Summary:* Requires the commissioner of mental health and substance abuse services to study any issue dealing with the revision of statutes governing the pilot program in relation to mandatory outpatient treatment. Requires the commissioner to report the findings of the study to the house health committee and the senate welfare committee before January 15, 2019.

*Amendment Summary:* House Health Subcommittee amendment 1, Senate Health & Welfare Committee amendment 1 (013336) rewrites the bill and allows mental health courts to order a proposed patient who has threatened violence against the patient's self or other persons to receive assisted outpatient mental health treatment. Allows for an involuntary outpatient evaluation to be conducted by a physician. Establishes guidelines and rules for the outpatient treatment plan. Provides that if the court does not find outpatient mental health treatment necessary that the court will order inpatient care and treatment. Allows the treatment provider to modify the treatment plan according to the needs of the assisted outpatient.

*Fiscal Note:* (Dated February 14, 2018) NOT SIGNIFICANT  
*Senate Status:* 03/07/18 - Senate Health & Welfare Committee deferred to summer study after adopting amendment 1 (013336).  
*House Status:* 03/21/18 - House Health Subcommittee deferred to summer study after adopting amendment 1 (013336).  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 33, relative to mental health treatment.

**SB2720/HB2427 TAXES BUSINESS: Extends business tax exemption for mental or behavioral health services.**

*Sponsors:* Sen. Johnson, Jack , Rep. White, Mark  
*Summary:* Extends business tax exemption for mental and behavioral health services by persons engaged in the business of providing foster care, residential



treatment, therapeutic and rehabilitative care, or other social assistance programs.

*Amendment Summary:* House Finance, Ways & Means Subcommittee amendment 1 (013841) rewrites the bill. Exempts family service agencies primarily engages in providing therapeutic foster care from the business tax.

*Fiscal Note:* (Dated February 20, 2018) Decrease State Revenue \$283,300/FY19-20 and Subsequent Years Decrease Local Revenue \$360,800/FY19-20 and Subsequent Years

*Senate Status:* 04/23/18 - Taken off notice in Senate Finance, Ways & Means Committee.

*House Status:* 04/18/18 - Taken off notice in House Finance, Ways & Means Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 7, relative to application of business tax to persons providing mental or behavioral health services.

### Miscellaneous

#### **SB1513/HB1702 MEDIA & PUBLISHING: 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.

*Fiscal Note:* (Dated January 25, 2018) NOT SIGNIFICANT

*Senate Status:* 02/22/18 - Senate passed.

*House Status:* 02/12/18 - House passed.

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

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 1, Part 1, relative to the state library system.

*Position:* **Support**

### TennCare/Medicaid

#### **SB118/HB69 TENNCARE: Expansion of TennCare waiver.**

*Sponsors:* Sen. Briggs, Richard , Rep. Smith, Eddie

*Summary:* Directs the commissioner of finance and administration to submit a waiver request to the federal centers for medicare and medicaid services to enable the state to provide medical assistance to the existing TennCare II waiver population and persons with incomes below 138 percent of the federal poverty line by means of a block grant of federal funds.



*Amendment  
Summary:*

House Insurance and Banking Committee amendment 1 (004573) rewrites the bill to direct the Commissioner of the Department of Finance and Administration (F&A) to submit to the federal Centers for Medicare and Medicaid Services, if determined by the Commissioner of F&A to be in the best interest of the state, a waiver amendment to the existing TennCare II waiver or to submit a new waiver in order to provide medical assistance to the TennCare II waiver population and to secure medical assistance eligibility in this state to persons meeting federal eligibility guidelines by means of a block or per capita grant, utilizing a change in applicable federal law, or other approach utilizing regulatory flexibility provided by the federal government, within 180 days of the effective date of the legislation, and if approved, implement the waiver amendment or waiver. Requires the grant, if the waiver is by means of a block or per capita grant, to convert the federal share of all medical assistance funding for this state into an allotment that is tailored to meet the needs of this state. Senate Commerce & Labor Amendment 1 (006270) deletes all language after the enacting clause. Directs the Commissioner of the Department of Finance and Administration (F&A), within 60 days of the effective date, to assess whether submitting a waiver amendment to the existing TennCare II waiver or a new waiver that would satisfy the requirements of this subsection (b) to the federal Centers for Medicare and Medicaid Services (CMS) is in the best interest of the state. Requires the Commissioner of F&A, if it is determined that a waiver satisfying the requirements of this subsection (b) is in the best interest of the state, within 120 days of making the determination, to submit an amendment to the existing TennCare II waiver or a new waiver that satisfies the requirements of this subsection (b) to the federal CMS. Requires the amendment or waiver to provide medical assistance to the TennCare II waiver population and secure medical assistance eligibility to persons in this state who meet federal eligibility guidelines; and serve eligible persons pursuant to a block or per capita grant, either by utilizing a change in applicable federal law or by other approach utilizing regulatory flexibility provided by the federal government that is tailored to meet the needs of this state. Requires the Commissioner of F&A, if the amendment or waiver is submitted pursuant to subdivision (b)(1) and is subsequently approved by the federal CMS to proceed pursuant to subsection (a).

*Fiscal Note:*

(Dated January 31, 2017) Increase State Expenditures Not Significant Other Fiscal Impact If approved by the federal government, the block grant received will be at the current federal funding level of \$7,163,104,200 for FY17-18. Additional state funds will be needed to cover the expanded population of 280,000 enrollees or the TennCare benefit structure will need to be amended so that benefits can be provided to the entire population at the current funding level.

*Senate Status:*

03/20/18 - Failed in Senate Commerce & Labor Committee.

*House Status:*

03/21/18 - Taken off notice in House Finance, Ways & Means Subcommittee.



*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 56 and Title 71, relative to medical assistance.

*Position:* Neutral

**SB697/HB1091 INSURANCE HEALTH: Prohibits an HMO from denying payment for preventative and diagnostic services.**

*Sponsors:* Sen. Yager, Ken , Rep. Keisling, Kelly

*Summary:* Prohibits an HMO or subcontractor from denying payment for preventative and diagnostic services provided by primary care providers or through a provider's supervision of auxiliary personnel.

*Fiscal Note:* (Dated March 18, 2017) Increase State Expenditures \$55,272,800 Increase Federal Expenditures - \$105,427,200

*Senate Status:* 03/13/18 - Senate Commerce & Labor Committee recommended. Sent to Senate Finance.

*House Status:* 03/14/18 - Failed in House Insurance & Banking Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 32, relative to health maintenance organizations.

**SB1155/HB290 TENNCARE: TennCare advisory commission.**

*Sponsors:* Sen. Hensley, Joey , Rep. Kumar, Sabi

*Summary:* Deletes the entire section and requires the department of finance and administration to reestablish a TennCare advisory commission. The purpose of the commission is to review annually the health care operations including, but not limited to, cost-management analysis, benefits, enrollment, eligibility, costs, and performance of the TennCare program and to make recommendations to the governor regarding cost-containment strategies and cost-effective program improvements. The advisory commission will be separate and distinct from the bureau of TennCare but will be allowed access to all data concerning the operations, management, and program functions of the TennCare program, including information relevant to the TennCare program held or maintained by other state agencies. Members of the advisory commission will provide nonpaid consulting services to the bureau of TennCare, but may be reimbursed for comprehensive travel. Members will be appointed by the speaker of the house of representatives and the speaker of the senate. The advisory commission will be composed of fifteen members; one member of the health and welfare committee of the senate, one member of the senate appointed by the speaker of the senate, one member of the health committee of the house of representatives appointed by the speaker of the house , one member of the house of representatives appointed by the speaker of the house, one member representing hospitals appointed by the speaker of the senate, one member representing hospitals appointed by the speaker of the house, one member representing physicians appointed by the speaker of the senate, one member representing physicians



appointed by the speaker of the house, one member representing nursing homes appointed by the speaker of the senate, one member representing nursing homes appointed by the speaker of the house, one member representing providers of home and community-based services appointed by the speaker of the senate, one member representing providers of home and community-based services appointed by the speaker of the house, one member representing providers of behavioral health services appointed by the speaker of the senate, one member representing providers of behavioral health services appointed by the speaker of the house, and one member representing the advocacy community to be jointly appointed by the speaker of the senate and the speaker of the house. Initially, members will serve three-year terms. Creates term guidelines for appointments made by the speaker of the senate, and the speaker of the house in section (1) part (4) of the bill. Proposed modifications submitted by the commission that may result in increased program expenditures should be accompanied by recommendations to achieve commensurate savings in other program areas in order to achieve overall management of program costs. The commission can create subcommittees to study specific topics, relative to any area concerning TennCare. The commission shall present its recommendations in writing to the governor and the general assembly no later than November 10 of each year.

*Amendment  
Summary:*

House Finance, Ways & Means Subcommittee amendment 1 (016140) updates various dates within amendment 006257. Senate Government Operations Committee Amendment 1 (005302) requires the comptroller of the treasury to reestablish a TennCare advisory commission. Increases the number of members on the commission from 15 to 21. Adds a member of the senate commerce & labor committee, senate government operations committee, housing insurance & banking committee, house government operations committee, and a member of the house finance ways & means committee, to the commission. Creates revisions for initial appointments of a nonlegislative member, including the initial joint appointment of the member representing the advocacy community, to serve until June 30, 2018. Requires the commission to review any amendment or changes to Title XIX state plan. Deletes the requirement for the commission to present its recommendation in writing to the governor and the general assembly. Authorizes the commission to employ staff. Senate Health & Welfare Committee Amendment 1, House Health Committee Amendment 1 (006257) deletes all language after the enacting clause. Reestablishes the TennCare Advisory Commission consisting of 21 members who should reflect the broad impact that the TennCare program has on the state of Tennessee. The 21 members will be appointed by Speaker of the House of Representatives and the Speaker of the Senate; 8 members will be legislative members, 12 members will be from the industry, and one will be a nonvoting ex officio member designee of the Commissioner of Finance and Administration. Requires the Commission to review the health care operations, including but not limited to, cost-management analysis,





benefits, enrollment, eligibility, costs, and performance of the TennCare program annually. Authorizes the Commission to employ staff. Requires the review of the TennCare program to include the holding of public hearings on any proposed amendment to any federal waiver governing the provision of medical assistance under Title 71, and attention to behavioral health services and the Long Term Care Community Choices Act of 2008. Prohibits the submission of any application for an amendment to any federal waiver governing the provision of medical assistance under Title 71 or the Title XIX state plan to any agency of the federal government unless the Commission has been afforded 30 days in which to hold a public hearing on the proposed waiver before submission. Any waiver application failing to receive the opportunity to hold such public hearing before submission to an agency of the federal government shall be void and of no effect. Requires the Commission to meet quarterly to perform certain duties. Adds the Commission to the sunset cycle provisions under the Tennessee Governmental Entity Review Law, thereby creating a termination date for the Commission of June 30, 2019.

*Fiscal Note:* (Dated March 1, 2017) Increase State Expenditures - \$1,900/Each One-Day Meeting

*Senate Status:* 05/09/17 - Senate Finance, Ways & Means Committee deferred to first calendar of 2018.

*House Status:* 04/18/18 - Taken off notice in House Finance, Ways & Means Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4 and Title 71, relative to a TennCare advisory commission.

**SB1319/HB328 TENNCARE: Medicaid estate recovery claims.**

*Sponsors:* Sen. Crowe, Rusty , Rep. VanHuss, James

*Summary:* Requires that if a notice to creditors is provided to the bureau of TennCare within six months of the decedent's date of death, the bureau shall file a claim for recovery, for personal representatives of a decedent recipient of TennCare. If a notice to creditors is provided to the bureau after six months of the decedent's date of death and before the end of twelve months from the date of death, the bureau shall file a claim for recovery before the end of twelve months from the date notice was provided to the bureau. If a notice to creditors is not provided to the bureau before the end of twelve months from the decedent's date of death, the bureau shall file a petition to open the decedent's estate as a creditor and file a claim for recovery before the end of thirty-six months from the decedent's date of death. Sets additional guidelines for recovery, if no claim for recovery is filed by the bureau before the end of thirty-six months from the decedent's date of death.

*Fiscal Note:* (Dated March 5, 2017) Decrease State Revenue - \$141,700

*Senate Status:* 04/05/17 - Taken off notice in Senate Health & Welfare Committee.

*House Status:* 01/31/18 - Taken off notice in House Health Subcommittee.





*Caption:* AN ACT to amend Tennessee Code Annotated, Title 30 and Section 71-5-116, relative to TennCare.

**SB1364/HB807 HEALTH CARE: The department required to administer the Medical Assistance Act.**

*Sponsors:* Sen. Bailey, Paul , Rep. Keisling, Kelly

*Summary:* Designates the department of finance and administration instead of the department of health as the department required to administer the Medical Assistance Act.

*Amendment Summary:* Senate Commerce & Labor Committee Amendment 1, House Health Committee Amendment 1 (006729) deletes all language after the enacting clause. Establishes a task force to study various issues relative to TennCare. Requires the Chairs of the Health Committee of the House of Representatives (HHC) and the Commerce and Labor Committee of the Senate (SCLC) to each appoint three members of the General Assembly to the task force and authorizes the staff of the HHC and the SCLC to provide support to the task force if requested. Requires the task force to provide a report with recommendations to the HHC and the SCLC by January 15, 2018, at which time it shall cease to exist.

*Fiscal Note:* (Dated March 16, 2017) NOT SIGNIFICANT

*Senate Status:* 04/10/17 - Re-referred to Senate Calendar Committee.

*House Status:* 04/11/18 - Taken off notice in House Finance, Ways & Means Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 56; Title 68 and Title 71, relative to medical assistance.

**SB1494/HB1542 TENNCARE: 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.



*Fiscal Note:* (Dated January 28, 2018) Increase State Expenditures - \$2,011,400/FY18-19 \$3,017,100/FY19-20 and Subsequent Years Increase Federal Expenditures - \$3,879,900/FY18-19 \$5,819,800/FY19-20 and Subsequent Years

*Senate Status:* 04/23/18 - Senate passed with amendment 2 (017474).

*House Status:* 04/25/18 - House passed.

*Executive Status:* 04/25/18 - Sent to the speakers for signatures.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 33 and Title 71, relative to services and supports for people with disabilities.

*Position:* **Support**

**SB1659/HB2493 TENNCARE: Use of generic drugs.**

*Sponsors:* Sen. Dickerson, Steven , Rep. Holt, Andy

*Summary:* Makes the use of generic drugs pursuant to the Tennessee Affordable Drug Act of 2005 applicable to the TennCare program.

*Fiscal Note:* (Dated January 28, 2018) NOT SIGNIFICANT

*Senate Status:* 03/14/18 - Taken off notice in Senate Health & Welfare Committee.

*House Status:* 03/21/18 - Taken off notice in House Health Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 10 and Title 71, Chapter 5, relative to the use of generic medications in the TennCare program.

**SB1881/HB2083 TENNCARE: Time period for mailing documentation regarding material change affecting TennCare application.**

*Sponsors:* Sen. Briggs, Richard , Rep. McDaniel, Steve

*Summary:* Reduces the time period for an enrollee or applicant for medical assistance to mail documentation of a material change affecting the enrollee or applicant's TennCare application from 30 days to 15 days. Broadly captioned.

*Amendment Summary:* House Health Subcommittee amendment 1, Senate Health & Welfare Committee amendment 1 (014716) deletes all language after the enacting clause. Requires the Division of TennCare (Division), when the medical assistance program is the payer source for prescription medications, to pay for any opioid prescribed by a nursing home patient's physician with respect to the amount of opioids and the duration of their use when prescribed for a patient that is a medical assistance recipient and residing in a nursing home.

*Fiscal Note:* (Dated January 28, 2018) NOT SIGNIFICANT

*Senate Status:* 04/18/18 - Taken off notice in Senate Finance, Ways & Means Committee.

*House Status:* 04/03/18 - Taken off notice in House Health Committee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 68 and Title 71, relative to TennCare.



**SB2164/HB2347 INSURANCE GENERAL: Annual report of necessary changes to Access Tennessee Act.**

*Sponsors:* Sen. Green, Mark , Rep. Williams, Ryan  
*Summary:* Specifies February 1 as the date by which the commerce and labor committee of the senate, the insurance and banking committee of the house of representatives, the finance, ways and means committee of the senate, and the finance, ways and means committee of the house of representatives, annually reviews and recommends necessary changes to the governor and the general assembly regarding Access Tennessee Act of 2006.  
*Fiscal Note:* (Dated February 5, 2018) NOT SIGNIFICANT  
*Senate Status:* 03/13/18 - Taken off notice in Senate Commerce & Labor Committee.  
*House Status:* 02/07/18 - Referred to House Insurance & Banking Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 9; Title 33; Title 56; Title 63; Title 68 and Title 71, relative to medical assistance.

**SB2312/HB2608 TENNCARE: 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.  
*Fiscal Note:* (Dated March 7, 2018) Increase State Expenditures - \$1,500,000/One-Time Increase Federal Expenditures - \$13,500,000/One-Time  
*Senate Status:* 03/28/18 - Senate passed with amendment 1 (014794) and amendment 2 (015325).  
*House Status:* 04/18/18 - House passed.  
*Executive Status:* 04/18/18 - Sent to the speakers for signatures.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 71, relative to applications for medical benefits.



**SB2364/HB1541 TENNCARE: 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."  
*Fiscal Note:* (Dated January 30, 2018) Other Fiscal Impact The proposed legislation could result in cost savings of unknown amounts. The extent and timing of any cost savings cannot be reasonably determined for such impacts are dependent upon unknown factors.  
*Senate Status:* 04/23/18 - Senate passed with amendment 1 (017340).  
*House Status:* 04/24/18 - House passed.  
*Executive Status:* 04/24/18 - Sent to the speakers for signatures.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 71, relative to payment reform initiatives.

**SB2367/HB2599 TENNCARE: Timely filing of a claim from a healthcare provider within TennCare.**

*Sponsors:* Sen. Crowe, Rusty , Rep. Holsclaw, Jr., John  
*Summary:* Requires TennCare to accept a claim from a healthcare provider as timely filed if the claim is filed within one year of the service provided. Establishes a review process for the denial of claims under the prompt payment requirements of the Health Maintenance Organization Act of 1986.  
*Fiscal Note:* (Dated March 2, 2018) Increase State Expenditures \$20,416,900 Increase Federal Expenditures - \$39,383,100  
*Senate Status:* 02/05/18 - Referred to Senate Commerce & Labor Committee.  
*House Status:* 03/14/18 - Taken off notice in House Insurance & Banking Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 56 and Title 71, relative to the TennCare program.

**SB2456/HB2542 TENNCARE: Waiver to allow for health savings account options.**

*Sponsors:* Sen. Roberts, Kerry , Rep. Harwell, Beth  
*Summary:* Requires the commissioner of the department of finance and administration to negotiate and submit to the federal centers for medicare and medicaid services a waiver amendment to the existing TennCare II waiver that



includes a plan for health savings account options for recipients under certain requirements.

*Fiscal Note:* (Dated March 7, 2018) Increase State Expenditures - \$646,600/FY19-20 Net Impact \$18,733,300/FY20-21 and Subsequent Years Increase Federal Expenditures - \$5,126,600/FY19-20 Net Impact \$15,338,200/FY20-21 and Subsequent Years Other Fiscal Impact There will be additional savings as the program continues to grow and additional enrollees either no longer qualify due to income limits or do not meet work requirements. There will be a reduction in program expenditures due to enrollees sharing in the costs; however, an exact amount cannot be quantified. Further, there could be additional costs related to staffing needs of the Division of TennCare. The exact amounts and timing of such amounts cannot be quantified due to the uncertainty of the program parameters.

*Senate Status:* 03/14/18 - Taken off notice in Senate Health & Welfare Committee.

*House Status:* 02/07/18 - Referred to House Health Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 56 and Title 71, relative to medical assistance.

### **SB2585/HB1990 TENNCARE: Episodes of care in payment reform.**

*Sponsors:* Sen. Hensley, Joey , Rep. Kumar, Sabi

*Summary:* Requires the comptroller of the treasury to study the implementation of episodes of care within the payment reform initiative developed by the bureau of TennCare and the health care finance and administration division of the department of finance and administration in response to a state innovation model initiative grant from the federal centers for Medicare and Medicaid services. Requires the comptroller to report on findings and recommendations on or before January 15, 2019, concerning the episodes of care program to the health committee of the house of representatives and the health and welfare committee of the senate.

*Fiscal Note:* (Dated February 15, 2018) Increase State Expenditures - \$50,000/One-Time

*Senate Status:* 03/20/18 - Taken off notice in Senate Commerce & Labor Committee.

*House Status:* 02/07/18 - Referred to House Insurance & Banking Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 33; Title 56; Title 63; Title 68 and Title 71, relative to episodes of care in payment reform.

### **SJR44 INSURANCE HEALTH: Expresses support for conversion of Medicaid funding to a block grant.**

*Sponsors:* Sen. Green, Mark ,

*Summary:* Expresses support for conversion of Medicaid funding to a block grant and opposes expansion of Medicaid under the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148.



*Fiscal Note:* (Dated February 7, 2017) Pursuant to Tenn. Code Ann. 3-2-107, this fiscal note has been corrected to include an Impact to Commerce Statement. The fiscal analysis of the original fiscal note dated January 29, 2017 has not changed. NOT SIGNIFICANT

*Senate Status:* 02/01/17 - Referred to Senate Commerce & Labor Committee.

### Transportation

#### **SB1660/HB1705 TRANSPORTATION GENERAL: Airport parking for persons with disabilities - fees prohibited.**

*Sponsors:* Sen. Dickerson, Steven , Rep. Jernigan, Darren

*Summary:* Prohibits an airport or airport authority in this state from charging a parking fee for airport parking designated for persons with disabilities.

*Senate Status:* 01/24/18 - Referred to Senate Transportation & Safety Committee.

*House Status:* 01/24/18 - Referred to House Transportation Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 42 and Title 55, Chapter 21, Part 1, relative to airport parking for persons with disabilities.

#### **SB2627/HB2074 TRANSPORTATION GENERAL: Report detailing plans or initiatives to increase public transportation system access and service.**

*Sponsors:* Sen. Norris, Mark , Rep. Cooper, Barbara

*Summary:* Requires transportation authorities to draft reports by July 1, 2019, regarding plans to maximize system effectiveness and accessibility for economically disadvantaged communities. Orders municipalities to review projects receiving street aid funds by 2020 and prioritize the projects deemed useful for completion by 2025.

*Fiscal Note:* (Dated March 4, 2018) Other Fiscal Impact The extent of any mandatory increase in local government expenditures for hiring additional staff to complete required assessments and reprioritizations cannot reasonably be determined due to multiple unknown factors.\*

*Senate Status:* 03/19/18 - Senate passed.

*House Status:* 03/21/18 - Failed in House Transportation Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 56, Part 1 and Title 54, Chapter 4, relative to transportation.

### Welfare

#### **SB1487/HB1498 WELFARE: Licensure exemption for religious organizations providing limited respite care services programs.**





*Sponsors:* Sen. Haile, Ferrell , Rep. Rogers, Courtney  
*Summary:* Exempts religious organizations and religious institutions that provide limited respite care services programs from licensure for providing adult day care.  
*Amendment Summary:* Senate amendment 1 (012938) revises the definition of "limited respite care services program" to mean a program that provides care services to less than 15 adults at a time and that does not administer medications. House amendment 2 (013403) adds language to specify "religious institution" or "religious organization" as an entity exempt from registration as a bona fide religious institution pursuant to Tenn. Code Ann. § 48-101-502.  
*Fiscal Note:* (Dated January 22, 2018) NOT SIGNIFICANT  
*Senate Status:* 03/19/18 - Senate concurred in House amendment 2.  
*House Status:* 03/12/18 - House passed with amendment 2 (013403).  
*Executive Status:* 04/03/18 - Enacted as Public Chapter 0607 effective April 2, 2018.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 71, relative to adult day care.

**SB1632/HB1505 WELFARE: State funds used to continue CoverKids program.**

*Sponsors:* Sen. Yarbro, Jeff , Rep. Powell, Jason  
*Summary:* Clarifies that state funds may be used to continue the CoverKids program in the event that federal funds are no longer available. Expresses the intent of the General Assembly to provide additional state funds for the CoverKids program in the event that federal funds are no longer available.  
*Fiscal Note:* (Dated January 18, 2018) Other Fiscal Impact To the extent federal funds cease to be available and the General Assembly elects to appropriate funding sufficient to continue the CoverKids program at current funding levels, an additional recurring appropriation of at least \$242,600,000 from the General Fund will be required.  
*Senate Status:* 03/14/18 - Taken off notice in Senate Health & Welfare Committee.  
*House Status:* 01/17/18 - Referred to House Insurance & Banking Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 71, relative to the CoverKids program.

**SB1728/HB1551 TENNCARE: Work requirements for certain adult enrollees.**

*Sponsors:* Sen. Bell, Mike , Rep. Harwell, Beth  
*Summary:* Directs the commissioner of finance and administration to submit to the federal centers for medicare and medicaid services a waiver amendment to the existing TennCare II waiver imposing reasonable work requirements upon able-bodied working age adult enrollees without dependent children under the age of six.



*Amendment Summary:*

House amendment 2 (014418) rewrites the bill. Deletes and rewrites Section 1 of the bill such that the bill as amended: (1) requires the submission of a TennCare II waiver amendment to CMS imposing reasonable work and community engagement requirements upon able-bodied working age adult enrollees without dependent children under the age of six; and (2) requires the amendment to align any required work and community engagement with the requirements of the temporary assistance to needy families (TANF) program under the Families First Act of 1996 and be consistent with the most recent guidance to state Medicaid directors provided by CMS concerning opportunities to promote work and community engagement in demonstration projects. Implementation of the waiver amendment is contingent upon the use of available TANF funds or other federal appropriations.

*Fiscal Note:*

(Dated February 12, 2018) Increase State Expenditures - \$646,600/FY19-20 Net Impact \$18,733,300/FY20-21 and Subsequent Years Increase Federal Expenditures - \$5,126,600/FY19-20 Net Impact \$15,338,200/FY20-21 and Subsequent Years Other Fiscal Impact There will be additional savings as the program continues to grow and additional enrollees either no longer qualify due to income limits or do not meet work requirements. There could be additional costs related to staffing needs of the Division of TennCare. The exact amounts and timing of such amounts cannot be quantified due to the uncertainty of the program parameters.

*Senate Status:*

04/19/18 - Senate passed.

*House Status:*

03/19/18 - House passed with amendment 2 (014418).

*Executive Status:*

04/19/18 - Sent to the speakers for signatures.

*Caption:*

AN ACT to amend Tennessee Code Annotated, Title 71, relative to imposing requirements on recipients of medical assistance.

*Position:*

**Oppose**

**SB2129/HB2443 WELFARE: Status of caregivers for public assistance programs.**

*Sponsors:*

Sen. Yarbro, Jeff , Rep. Shaw, Johnny

*Summary:*

Requires a caregiver who is a relative to the patient to take responsibility over the care of their relative. Allows the caregiver to reside at a different residence and to take part in a different food assistance program.

*Fiscal Note:*

(Dated February 14, 2018) Other Fiscal Impact Passage of this legislation could jeopardize federal funding received for the Supplemental Nutrition Assistance Program (\$1,600,000,000) and for Temporary Assistance for Needy Families (\$191,000,000). The extent and timing of any federal funding reduction is unknown and dependent upon action of the federal government.

*Senate Status:*

02/05/18 - Referred to Senate Health & Welfare Committee.

*House Status:*

03/07/18 - Taken off notice in House Health Subcommittee.



*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4 and Title 71, relative to the status of caregivers for public assistance programs.

**SB2247/HB1822 WELFARE: Revises various provisions relative to public assistance.**

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

*Summary:* Grants the department of human services with various powers when investigating fraud and abuse of the program. This bill is part of the governor's Administration Package.

*Amendment Summary:* Senate amendment 1 (013890) adds language to the printed bill to require that subpoenas related to production of materials to be produced must be relevant to the investigation and specified with reasonable particularity, and that the subpoenas command production of the materials covering only a reasonable period of time. Deletes authority for DHS to contract for subpoena power and power to compel production of employment records. Requires the maximum grants for the TANF program be expressed as a percentage of the standard of need. Authorizes the maximum standard grants for TANF be raised if approved as a line item in the annual appropriations act. Prohibits an increase of the maximum standard grants for TANF be approved by rules. Requires the maximum standard of TANF for an assistance groups size of one to 22 percent of the FY18-19 standard of need for an assistance group size of one person. For each additional member added to an assistance group, an additional two percent is added to the 22 percent, and the maximum standard grant for each respective assistance group size is the resulting percentage of the FY18-19 standard of need for that assistance group size.

*Fiscal Note:* (Dated February 13, 2018) Increase State Expenditures \$106,400/FY18-19 \$47,500/FY19-20 and Subsequent Years Increase Federal Expenditures \$106,400/FY18-19 \$47,500/FY19-20 and Subsequent Years The Governors proposed budget for FY18-19, on page A-37, recognizes a one-time increase in state expenditures to the General Fund of \$62,000, and a recurring increase in state expenditures to the General Fund in the amount of \$47,500. HB 1822 SB 2247

*Senate Status:* 03/22/18 - Senate passed with amendment 1 (013890).

*House Status:* 04/09/18 - House passed.

*Executive Status:* 04/24/18 - Enacted as Public Chapter 0789 effective April 20, 2018.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 1, Part 1; Section 71-3-104; Section 71-3- 105; Section 71-5-314 and Section 71-5-316, relative to public assistance.

**SB2464/HB2124 TENNCARE: Waiver amendment to the TennCare II waiver.**

*Sponsors:* Sen. Roberts, Kerry , Rep. Williams, Ryan

*Summary:* Requires the commissioner of finance and administration to seek a waiver amendment to the TennCare II waiver. Waiver requires certain TennCare



enrollees to spend at least 20 hours working every week and another 20 volunteering in order to receive coverage. Excludes enrollees who are pregnant, over the age of 64, and those who are a caretaker responsible for a child under the age of one. Requires enrollees to undergo routine drug tests.

*Fiscal Note:*

(Dated February 25, 2018) Increase State Expenditures - \$646,600/FY19-20 Net Impact - \$18,733,300/FY20-21 and Subsequent Years Increase Federal Expenditures - \$5,126,600/FY19-20 Net Impact - \$15,338,200/FY20-21 and Subsequent Years Other Fiscal Impact There will be additional savings as the program continues to grow and additional enrollees either no longer qualify due to income limits or not meeting work requirements. There could also be a reduction in program expenditures should enrollees share in the costs of certain emergency room visits. Further, there could be additional costs related to staffing needs of the Division of TennCare. The exact amounts and timing of such amounts cannot be quantified due to the uncertainty of the program parameters.

*Senate Status:*

03/13/18 - Taken off notice in Senate Commerce & Labor Committee.

*House Status:*

03/14/18 - Taken off notice in House Health Subcommittee.

*Caption:*

AN ACT to amend Tennessee Code Annotated, Title 4; Title 56 and Title 71, relative to medical assistance.