



## Final Legislative Update 2017

June 13, 2017

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## Abuse and Neglect

### **SB1193/HB305 INSURANCE HEALTH: Annual report on info submitted pursuant to TN Health Care Liability Reporting Act.**

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

**Summary** Extends the time that the commissioner has to submit the annual report to the speakers summarizing the information submitted pursuant to the Tennessee Health Care Liability Reporting Act from November 1 to December 1. Part of Administration Package.

**Fiscal Note** (Dated February 8, 2017) NOT SIGNIFICANT

**Senate Status** 02/13/17 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/07/17 - Referred to House Insurance & Banking Subcommittee.

### **SB1230/HB810 CRIMINAL LAW: Elderly and Vulnerable Adult Protection Act.**

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

**Summary** Specifies that abuses against Elderly or Vulnerable adults are felonies of varying degrees of severity. Authorizes courts to order a person convicted of abuses against Elderly or Vulnerable Adults to refrain from any contact with the victim. Allows for convicted persons to request a hearing to challenge the accuracy of the reports, conclusions of hearings, or factual issues related to the correct identity of the victim.

**Amendment Summary** House Amendment 3 (008325) deletes and rewrites the proposed legislation to redefine "elderly adult" to mean any person over 70 years of age and to create a new offense for financial exploitation, which is graded as theft but punished one classification higher.

**Fiscal Note** (Dated March 18, 2017) Decrease State Revenue Exceeds \$7,600/General Fund Increase State Revenue Exceeds \$15,100/District Attorneys Increase State Expenditures Net Impact \$4,197,700/Incarceration\* Increase Local Expenditures Less Than \$109,200\*\*

**Senate Status** 05/09/17 - Senate passed.

**House Status** 05/09/17 - House passed with amendment 3. House Amendment 3 (008325).

**Executive Status** 06/01/17 - Enacted as Public Chapter 0466 effective May 25, 2017.

### **SB1267/HB1064 BANKING & CREDIT: Education and awareness of the dangers to vulnerable adults of financial exploitation and financial theft.**

**Sponsors** Sen. Norris, Mark, Rep. Brooks, Kevin

**Summary** Requires the Department of Financial Institutions to consult with financial service providers, the Tennessee Commission on Aging and Disability, and the Department of Human Services to consider ways in which the entities can collaborate to promote awareness of and preventative measures against the dangers of fraud and theft to vulnerable adults.

**Amendment Summary** Senate Amendment 1 (006425) deletes all language after the enacting clause. Creates the Elderly and Vulnerable Adult Financial Exploitation Prevention Act. Authorizes financial service providers to refuse service



when there is reasonable believe that financial exploitation or theft has occurred. Requires such instances to be reported to the Department of Human Services (DHS). Authorizes financial service providers to alert certain authorized persons of a potential threat to a vulnerable adult. Authorizes financial institutions to provide access to or copies of records in response to an administrative subpoena issued by DHS. Requires DHS to notify a customer whose records are requested through subpoena within 30 days of receipt of the records. Requires charges by a financial institution at rates that do not exceed those established by the financial institution's fee schedule, rather than the Internal Revenue Service, to be deemed reasonable for the purpose of fees charged for preparing and delivering records in response to a subpoena. Repeals the provision of this legislation on June 30, 2022.

**Fiscal Note** (Dated March 2, 2017) NOT SIGNIFICANT

**Senate Status** 04/17/17 - Senate passed with amendment 1 (006425).

**House Status** 04/20/17 - House passed.

**Executive Status** 05/09/17 - Enacted as Public Chapter 0264 effective July 1, 2017.

## Administration

### **SB144/HB81 GOVERNMENT REGULATION: Appropriation of funds for nonprofit organizations by local governments.**

**Sponsors** Sen. Lundberg, Jon, Rep. Crawford, John

**Summary** Requires any nonprofit organization seeking financial assistance to file an annual report, detailing all receipts and expenditures in a form prescribed by the comptroller of the treasury. Also requires any nonprofit seeking financial assistance from a municipality to file with the city's clerk office, the entity's most recently completed annual audit or an annual report detailing all receipts and expenditures, description of the program that serves the residents of the municipality, and purpose for the financial assistance. Subjects the nonprofit's report to be audited by the department of audit.

**Amendment Summary** House Amendment 1 (002563) requires that financial reports must be available to fiscal officers of the municipality and are subject to audit.

**Fiscal Note** (Dated March 6, 2017) NOT SIGNIFICANT

**Senate Status** 03/27/17 - Senate passed.

**House Status** 03/27/17 - House passed with amendment 1 (002563).

**Executive Status** 04/19/17 - Enacted as Public Chapter 0123 effective April 12, 2017.

## Budget and Appropriations

### **SB483/HB511 PUBLIC FINANCE: Appropriations - FY 2016 and FY 2017.**

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



**Summary** Make appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2016, and July 1, 2017,

**Amendment Summary** House Amendment 2 (003333) is the administration amendment to the appropriations bill. House Amendment 3 (005555) is the legislative adjustments to the appropriations bill. House Amendment 5 (008510) appropriates \$3,120,000 to the department of finance and administration for the purpose of making grants to be used to support travel of veterans to Washington D.C. to visit certain memorials. House Amendment 13 (008501) appropriates \$12,000,000 for the purpose of providing services to infants with neonatal abstinence syndrome with \$4,000,000 of such sum to be allocated to services for those infants in each grand division of the state. House Amendment 14 (008514) earmarks funds from the Aeronautic Economic Development Fund in the following manner: (a) \$4,000,000 for the Cleveland Municipal Airport Authority in support of expansion and development at the Cleveland Regional Jetport; (b) \$8,500,000 for the Tri-Cities Airport Authority in support of expansion and development at the Tri-Cities Regional Airport; and (c) \$15,000,000 for the Metropolitan Knoxville Airport Authority in support of the Oak Ridge Airport Initiative. House Amendment 16 (008506) appropriates the sum of \$50,000 to Johnson City for the sole purpose of costs associated with the Johnson City Veterans Memorial. House Amendment 17 (008527) appropriates the sum of \$300,000,000 to the Department of Education for the sole purpose of distributing grants to LEAs to pay down capital debt. It is the legislative intent that grants be distributed based on the proportion of funds received by each LEA as determined through the BEP formula. House Amendment 7 (008187) appropriates funds for the purpose of implementing Senate Bill 831 / House Bill 841, relative to the Education Investment Act. House Amendment 18 (008559) earmarks a sum sufficient from the funds in the TennCare reserve, not to exceed \$3,605,800, for the sole purpose of implementing Senate Bill 1227/ House Bill 901, if such bill becomes a law. House Amendment 1-22 (008575) authorizes the Commissioner of Finance and Administration to transfer the sum of \$55,000,000 from the general fund to the highway fund. It is the legislative intent that the entire amount transferred in this item be earmarked for planning, engineering, right-of-way acquisition, construction, improvement, and rehabilitation of roads and bridges on the state-aid highway system. House Amendment 22 (008568) is the stripper amendment and removes any previously adopted amendments from the bill.

**Senate Status** 05/08/17 - Senate passed.

**House Status** 05/05/17 - House passed with amendments 1-22 (008575) and 22 (008568).

**Executive Status** 06/01/17 - Enacted as Public Chapter 0460 effective July 1, 2017. (111 pages)



## Behavioral Health

### **SB1 PROFESSIONS & LICENSURE: Board for Professional Counselors - rules adopted.**

**Sponsors** Sen. Johnson, Jack,

**Summary** Prohibits the Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists from adopting any rule that incorporates by reference a national association's code of ethics, including, but not limited to, the American Counseling Association Code of Ethics.

**Fiscal Note** (Dated January 25, 2017) NOT SIGNIFICANT

**Senate Status** 01/30/17 - Referred to Senate Health & Welfare Committee.

### **SB45/HB70 HEALTH CARE: New behavioral health pilot project funded by the department of mental health and substance abuse services.**

**Sponsors** Sen. Massey, Becky, Rep. Smith, Eddie

**Summary** Appropriates a non-recurring \$4.5 million sum to the department of mental health and substance abuse services to make a grant for a three-year behavioral health pilot project in Knox County.

**Fiscal Note** (Dated January 23, 2017) Increase State Expenditures \$4,500,000/FY17-18/General Fund Other Fiscal Impact Funds appropriated from the General Fund to the Department of Mental Health and Substance Abuse Services will be expended in three annual payments of \$1,500,000 beginning in FY17-18 in the form of grants to fund a three-year behavioral health pilot program in Knox County.

**Senate Status** 02/01/17 - Referred to Senate Finance, Ways & Means Committee.

**House Status** 02/17/17 - Referred to House Finance Subcommittee.

### **SB129/HB159 CORRECTIONS: Ability for a sheriff to contract with a substance abuse treatment program.**

**Sponsors** Sen. Green, Mark, Rep. Johnson, Curtis

**Summary** Permits the sheriff of any county or the chief administrator of any municipal jail to contract with any substance abuse treatment program licensed or certified by the department of mental health and substance abuse services to provide substance abuse treatment services to inmates housed in the county or municipal jail.

**Fiscal Note** (Dated January 20, 2017) Other Fiscal Impact The net fiscal impact on local government is dependent upon multiple unknown factors and cannot be reasonably determined. However, any impact to local government is considered permissive. Further, any local expenditures incurred as a result of entering into contracts for the provision of treatment services is expected to be offset, either partially or in whole, by subsequent reductions of local incarceration costs. Any fiscal impact to state government is considered to be not significant.

**Senate Status** 03/07/17 - Taken off notice in Senate Judiciary Committee.

**House Status** 03/14/17 - Taken off notice in House Local Government Subcommittee.

### **SB130/HB160 CORRECTIONS: Pilot program providing substance abuse treatment to inmates.**



**Sponsors** Sen. Green, Mark, Rep. Johnson, Curtis

**Summary** Creates a pilot program under which a sheriff, in consultation with the department of mental health and substance abuse services, will create and administer a program of substance abuse treatment services for eligible inmates.

**Fiscal Note** (Dated February 24, 2017) Increase Local Expenditures \$118,500/FY18-19/Montgomery County\* \$202,500/FY19-20/Montgomery County\* \$101,300/FY20-21/Montgomery County\* Other Fiscal Impact - The decrease in local incarceration expenditures to Montgomery County is dependent upon multiple unknown factors and cannot be reasonably determined.

**Senate Status** 03/07/17 - Taken off notice in Senate Judiciary Committee.

**House Status** 03/14/17 - Taken off notice in House Local Government Subcommittee.

**SB378/HB345 CRIMINAL LAW: Criminal offense defendants with severe mental illness.**

**Sponsors** Sen. Briggs, Richard, Rep. Farmer, Andrew

**Summary** Prohibits the death penalty as a punishment for defendants suffering from severe mental illness at the time of the offense.

**Amendment Summary** Senate Judiciary Committee Amendment 1 (006227) makes no substantive changes. Includes specification of bipolar and major depressive order with psychotic features.

**Fiscal Note** (Dated March 3, 2017) NOT SIGNIFICANT

**Senate Status** 03/28/17 - Senate Judiciary Committee deferred to Summary Study after adopting amendment 1 (006227).

**House Status** 02/07/17 - Referred to House Criminal Justice Subcommittee.

**SB834/HB958 CRIMINAL LAW: Mental health patients - purchase of firearms.**

**Sponsors** Sen. Haile, Ferrell, Rep. Camper, Karen

**Summary** Requires the TBI to notify the department of mental health and substance abuse services if a person who has been adjudicated as a mental defective or judicially committed to a mental institution has attempted to purchase a firearm.

**Fiscal Note** (Dated March 22, 2017) NOT SIGNIFICANT

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

**House Status** 02/15/17 - Referred to House Civil Justice Subcommittee.

**SB835/HB871 HEALTH CARE: Campaign on mental health and alcoholism or drug dependence parity.**

**Sponsors** Sen. Briggs, Richard, Rep. Pitts, Joe

**Summary** By January 1, 2018, requires the department of commerce and insurance to develop a consumer and provider education campaign on mental health and alcoholism or drug dependence parity and to establish entities to support consumers in understanding appeals and complaints processes and in pursuing appeals and complaints.

**Fiscal Note** (Dated March 3, 2017) Increase State Expenditures - \$3,800/One-Time \$68,000/Recurring

**Senate Status** 02/13/17 - Referred to Senate Commerce & Labor Committee.



**House Status** 02/14/17 - Referred to House Insurance & Banking Subcommittee.  
**SB836/HB479 INSURANCE HEALTH: Federal and state statutes concerning mental health parity.**

**Sponsors** Sen. Briggs, Richard, Rep. Clemmons, John

**Summary** Requires the department of commerce and insurance to implement and enforce federal and state statutes concerning mental health parity. Mandates the department to issue a report to the general assembly and provide an educational presentation to the general assembly concerning the department's efforts to implement and enforce federal and state statutes concerning mental health parity. no later than June 1 of each year.

**Fiscal Note** (Dated March 30, 2017) Increase State Expenditures - \$3,200/One-Time \$71,400/Recurring

**Senate Status** 02/13/17 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/14/17 - Referred to House Insurance & Banking Subcommittee.  
**SB837/HB480 TENNCARE: Report on coverage for mental health treatment.**

**Sponsors** Sen. Briggs, Richard, Rep. Clemmons, John

**Summary** Requires managed care organizations participating in the TennCare program to annually report to the bureau of TennCare certain information regarding treatment of claims for mental health and alcoholism or drug dependence benefits in relation to the requirements of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

**Fiscal Note** (Dated March 22, 2017) NOT SIGNIFICANT

**Senate Status** 04/10/17 - Senate passed.

**House Status** 04/17/17 - House passed.

**Executive Status** 05/01/17 - Enacted as Public Chapter 0221 effective July 1, 2017.

**SB839/HB1244 INSURANCE HEALTH: Coverage for behavioral health treatment.**

**Sponsors** Sen. Briggs, Richard, Rep. Clemmons, John

**Summary** Revises requirements for mental health parity with medical health insurance statutes to require certain demonstrations of parity and reports from insurers.

**Amendment Summary** House Insurance & Banking Subcommittee Amendment 1 (006014) deletes and rewrites the proposed legislation such that the only substantive changes are changing the date that DCI is required to issue a report and provide an educational presentation to the General Assembly, from not later than June 1 of each year to not later than January 31, 2019, and requiring DCI to describe how the Department examines any provider or consumer complaints related to denials or restrictions to care for opioid use disorder treatment for possible violations of this section, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), 42 U.S.C § 18031(j), Tenn. Code Ann. § 56-7-2601, and § 56-7-2602, including complaints regarding, but not limited to certain criteria. House Insurance



& Banking Subcommittee Amendment 2 (006821) substitutes "American Society of Addiction Medicine" in subsection (b) in Section 1 with the language "American Society of Addiction Medicine or other evidence-based clinical guidelines, such as those referenced by the federal substance abuse and mental health services administration (SAMHSA)".

**Fiscal Note** (Dated March 25, 2017) Increase State Expenditures - \$116,800/FY17-18 \$214,300/FY18-19 and Subsequent Years

**Senate Status** 04/04/17 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 04/05/17 - House Insurance & Banking Subcommittee deferred to first calendar of 2018 after adopting amendment 1 (006014) and amendment 2 (006821).

**SB1206/HB317 HEALTH CARE: Evaluation and treatment following a judgment of not guilty by reason of insanity.**

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

**Summary** Requires trial court to order the person found not guilty of first degree murder by reason of insanity to be immediately diagnosed and evaluated on an outpatient basis. Specifies the evaluation must be performed by the community mental health agency or licensed private practitioner designated by the commissioner to serve the trial court. Requires the person to only be discharged from inpatient hospitalization if ordered by the court to participate in outpatient treatment. Mandates that any person ordered by the trial court to participate in outpatient treatment must do so for an initial period of six months. Allows the court to order the continuation of outpatient treatment beyond the sixth month period and specifies factors court must consider when making that determination. Part of Administration Package.

**Fiscal Note** (Dated February 26, 2017) Increase State Expenditures \$264,200/FY17-18 \$318,500/FY18-19 and Subsequent Years Increase Federal Expenditures \$34,900/FY17-18 \$52,300/FY18-19 and Subsequent Years

**Senate Status** 04/03/17 - Senate passed.

**House Status** 04/27/17 - House passed.

**Executive Status** 05/18/17 - Enacted as Public Chapter 0342 effective July 1, 2017.

**HJR100 TRANSPORTATION VEHICLES: Participation in Yellow Dot Program - individuals with mental health conditions.**

**Sponsors** Rep. Littleton, Mary

**Summary** Urges individuals with mental health conditions to participate in the Tennessee Yellow DOT program.

**Fiscal Note** (Dated February 12, 2017) NOT SIGNIFICANT

**Senate Status** 04/24/17 - Senate concurred.

**House Status** 04/06/17 - House adopted.

**Executive Status** 04/28/17 - Signed by governor.





## Criminal Law

### **SB477/HB1411 CRIMINAL LAW: Abuse or neglect of a child who is handicapped.**

**Sponsors** Sen. Bowling, Janice, Rep. Weaver, Terri

**Summary** Enhances the punishment for child abuse and child neglect or endangerment if the child is vulnerable because the child is handicapped. Defines "handicapped" to mean: (A) The person has a physical and permanent disability to such a degree that the person is unable to move from place to place without the aid of a wheelchair; (B) The person is blind; or (C) The person is deaf.

**Amendment Summary** House Criminal Justice Subcommittee Amendment 1 (007044) rewrites the bill to limit application of the proposed legislation to children that are intellectually disabled.

**Fiscal Note** (Dated February 26, 2017) Increase State Expenditures \$1,247,500/Incarceration\* Increase Local Expenditures Net Impact Exceeds \$48,600/Incarceration\*\* General

**Senate Status** 04/18/17 - Taken off notice in Senate Judiciary Committee.

**House Status** 04/19/17 - Taken off notice in House Criminal Justice Committee.

### **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.

### **SB1287/HB415 CRIMINAL LAW: Conviction for exploiting a vulnerable adult - notice requirements for clerk of court.**

**Sponsors** Sen. Crowe, Rusty, Rep. Carr, Dale

**Summary** Creates a new subsection requiring court clerks to send a copy of any judgment evidencing a person's conviction for exploiting an adult who is unable to manage such adult's own resources, to the department of health for inclusion in a statewide registry.

**Amendment Summary** Senate Amendment 1 (004947) requires the Department of Intellectual and Development Disabilities and the Department of Mental Health and Substance Abuse Services to hold a completed criminal background check on any employee or volunteer who will be in a position that involves providing direct contact with or direct responsibility for persons



receiving services. Prohibits assisted-care living facilities from being held liable for hiring practices related to this criminal background check.

**Fiscal Note** (Dated February 28, 2017) NOT SIGNIFICANT

**Senate Status** 05/01/17 - Senate passed with amendment 1 (004947).

**House Status** 05/05/17 - House passed.

**Executive Status** 05/24/17 - Enacted as Public Chapter 0427 effective July 1, 2017.

## Education

### **SB14/HB174 EDUCATION: Creates a list of rights and protections afforded to educators.**

**Sponsors** Sen. Green, Mark, Rep. Reedy, Jay

**Summary** Creates a list of rights and protections afforded to educators. Specifies that an "educator" means any teacher, principal, supervisor or other individual required by law to hold a valid license of qualification for employment in the public schools.

**Amendment Summary** House Amendment 2 (007285) deletes and rewrites the bill such that the only substantive changes are to remove the provision of the bill which prohibits educators from being evaluated by professionals who do not have the same subject matter expertise or from being evaluated based on the performance of students whom the educator has not taught. Removes the provision of the bill which prohibits LEAs from forcibly relocating a teacher to a different school based solely on test scores from state mandated assessments.

**Fiscal Note** (Dated March 10, 2017) Increase State Expenditures - \$374,400/FY17-18 Exceeds \$242,800/FY18-19 and Subsequent Years Increase Local Expenditures Exceeds \$220,400/FY17-18 and Subsequent Years

**Senate Status** 05/04/17 - Senate passed.

**House Status** 05/01/17 - House passed with amendment 2 (007285).

**Executive Status** 05/19/17 - Enacted as Public Chapter 0360 effective May 11, 2017.

### **SB115/HB364 EDUCATION: Individualized education account (IEA) available for certain students with denied admittance.**

**Sponsors** Sen. Briggs, Richard, Rep. Zachary, Jason

**Summary** Allows a student who was denied admittance to the individualized education account (IEA) program for the 2016-2017 school year because the student was not previously enrolled in a Tennessee public school the two semesters preceding the semester with an IEA to enroll in the program, if the student has the required disability and had an IEP at a Tennessee public school during the 2015-2016 school year.

**Fiscal Note** (Dated February 17, 2017) Increase State Revenue \$4,700/Department of Education/FY17-18 \$2,300/Department of Education/Each Year FY18-19 through FY30-31 Increase State Expenditures \$38,600/Each Year FY18-19 through FY30-31/BEP Decrease Local Revenue - \$117,000/FY17-18/BEP Increase Local Expenditure \$19,200/Each Year FY18-19 through FY30-31/BEP



**Senate Status** 03/29/17 - Taken off notice in Senate Education Committee.

**House Status** 02/21/17 - Taken off notice in House Education Administration and Planning Subcommittee.

**SB161/HB126 EDUCATION: Creation of the Opportunity Scholarship Pilot Program.**

**Sponsors** Sen. Kelsey, Brian, Rep. Brooks, Harry

**Summary** Enacts the "Opportunity Scholarship Pilot Program," which awards scholarships to eligible students in certain LEAs (local education agencies), identified on a list approved by the state board of education as having at least thirty schools in the bottom five percent of schools in overall achievement as determined by the performance standards and other criteria set by the state board.

**Amendment Summary** Senate Education Committee Amendment 1 (004726) rewrites the bill and makes the following substantive changes: 1) limits the pilot program to five years starting in the 2018 academic year, 2) limits the pilot program to LEAs with the most schools in the bottom five percent of overall achievement, 3) requires the Office of Research and Education Accountability (OREA) under the Comptroller of the Treasury (COT) to provide a detailed report on the pilot program on a bi-annual basis as well as at the end of the pilot program, 4) includes schools within the Achievement School District (ASD) within the geographic footprint of each LEA as in the LEA for the purpose of counting schools in the bottom five percent, 5) provides the DOE with discretion on whether participating schools must submit a financial audit, 6) requires LEAs to notify the DOE with names of parents of students eligible for the pilot program, 7) authorizes participating students to continue beyond the end of the pilot program as scholarship students, and 8) changes the proposed enrollment caps as follows--for LEAs with a school that is in the bottom five percent of achievement at 2,500 scholarships for FY18-19, 5,000 scholarships in FY19-20 and subsequent years. House Education Administration and Planning Committee Amendment 1 (005169) amends Amendment 2 by deleting 49-1-1204(a)(4) in Section 1 of the bill and substituting instead: "Annually administer to scholarship students the same state-mandated assessments in grades 3-12 that are administered by the LEA in which the program is located." House Education Administration and Planning Committee Amendment 2 (005059) rewrites the bill. It establishes a five-year program for the LEA having the most schools identified on the priority list. It'll be monitored by the OREA in the office of the comptroller of the treasury, which will report to the general assembly on the second and fourth full years of the program's operation of its effectiveness. OREA will determine 1) achievement results, 2) graduation rates, 3) retention rates, and 4) other important information for all participating schools. In order to administer the program, the department shall 1) require the LEAs to provide the department with the names and physical addresses of parents of eligible students, 2) provide notice to parents of student eligibility and of participating schools, 3) accept applications from parents of eligible



students and award scholarships to eligible students, 4) determine and approve school and student eligibility and participation pursuant to the requirements of this part, 5) establish application and participation timelines that will maximize student and school participation, 6) remit scholarship payments to participating schools on behalf of scholarship recipients, 7) annually publish achievement results, graduation rates, and retention rates, and 8) make information available on the department's website to inform parents of eligible students of all available scholarship options. The department may suspend a school's participation in the program if their levels of student achievement growth are at a level of "below expectations" or "significantly below expectations" for two consecutive years. An eligible student is entitled to one scholarship per school year, which is equal to the lesser of 1) the cost of tuition and fees that would otherwise be charged by the school, or 2) the amount representing the per pupil state and local funds generated and required through the BEP for the LEA in which the program is established. For the 2018-19 school year, the department shall award no more than 2,500 scholarships. For the 2019-20 through the 2022-23 school years, the department shall award no more than 5,000 scholarships each school year. The pilot program terminates at the conclusion of the 2022-23 school year. House Government Operations Amendment 1 (006474) removes the requirement that participating students take only the state assessment test.

**Fiscal Note** (Dated February 14, 2017) Increase State Expenditures Exceeds \$330,400/FY17-18 \$230,400/FY18-19 and Subsequent Years Other Fiscal Impact For local education agencies that have schools in the bottom five percent of achievement and are mandated to participate in the statewide scholarship program, the shift of state and required local BEP funding from these local education agencies to the non-public participating schools is estimated as follows: \$8,867,500 in FY17-18; \$13,633,100 in FY18- 19; \$18,632,500 in FY19-20; and an amount exceeding \$18,632,500 in FY18-19 and subsequent years.

**Senate Status** 04/25/17 - Senate Finance, Ways & Means Committee deferred to 05/02/17.

**House Status** 04/26/17 - House Finance Subcommittee deferred to 2018.

**SB196/HB483 EDUCATION: Establishes a progressive truancy intervention program in K-12 schools.**

**Sponsors** Sen. Overbey, Doug, Rep. Forgety, John

**Summary** Establishes a progressive truancy intervention program in K-12 schools that involves tiers of pre-juvenile court programs designed to keep a truant child out of the juvenile court system. Specifies additional interventions that may consist of school-based community services, participation in a school-based restorative justice program, referral to a school-based teen court, or Saturday courses designed to improve attendance and behavior. Prohibits in-school suspension or out-of-school suspension from being used as part of the progressive truancy



interventions adopted by schools for unexcused absences from class or school.

**Amendment Summary** Senate Amendment 2 (006602) deletes and rewrites the bill such that the only substantive changes are: (1) to require LEAs to designate an employee as the attendance supervisor; (2) sets the maximum length of the attendance contract for students involved in progressive truancy intervention at 90 days or the last day of the semester; and (3) authorizes LEAs that have adopted an effective progressive truancy intervention program to present details of the intervention program to the Commissioner of the Department of Education (DOE) for approval in lieu of strict compliance with the provision of the bill as amended.

**Fiscal Note** (Dated February 16, 2017) NOT SIGNIFICANT

**Senate Status** 04/20/17 - Senate passed with amendment 2 (006602).

**House Status** 05/09/17 - House passed.

**Executive Status** 05/23/17 - Enacted as Public Chapter 0379 effective July 1, 2018.

**SB222/HB410 EDUCATION: Physical activity requirements for students.**

**Sponsors** Sen. Bowling, Janice, Rep. Ragan, John

**Summary** Removes the requirement of a minimum of three 15-minute periods of non-structured physical activity per day for students in grades K-1. Also removes the requirement of a minimum of two 20-minute periods of non-structured physical activity at least four days a week for grades 2-6. Requires LEAs with elementary school students to integrate a minimum of two 20-minute periods of non-structured physical activity at least four days each week. Clarifies that the definition of "non-structured physical activity" means a temporary withdrawal or cessation from usual school work or sedentary activities during which an opportunity for rigorous physical activity is provided and does not mean walking to and from class. Also defines "physical education program."

**Fiscal Note** (Dated February 15, 2017) NOT SIGNIFICANT

**Senate Status** 03/08/17 - Taken off notice in Senate Education Committee.

**House Status** 02/15/17 - House sponsor changed from Byrd to Ragan.

**SB245/HB112 EDUCATION: Career and technical education - soft skills.**

**Sponsors** Sen. Tracy, Jim, Rep. Forgety, John

**Summary** Requires the state board of education to develop standards for a one-semester elective course in career and technical education in soft skills, needed for the workplace for students in grades nine through twelve. Soft skills means attributes that enable a person to build effective interpersonal relationships and to interact successfully with others in the business community. Requires each LEA to include an elective soft skills course in its career and technical education program beginning with the 2018-2019 school year. Students outside of the career and technical education program can enroll in the soft skill course, if space is available.

**Senate Status** 02/02/17 - Referred to Senate Education Committee.



**House Status** 02/09/17 - Withdrawn in House.

**SB380/HB336 EDUCATION: Tennessee Choice & Opportunity Scholarship Act.**

**Sponsors** Sen. Gardenhire, Todd, Rep. Dunn, Bill

**Summary** Enacts the Tennessee Choice & Opportunity Scholarship Act, which establishes a scholarship program for students wanting to attend private K-12 schools. In order for a student to be eligible for the scholarship program, the student must reside in Tennessee and be zoned to attend or enrolled in a public school that is identified as being in the bottom five percent of schools in overall achievement as determined by the state board of education. The student must be above five years of age or will become five years of age on or before August 15 of each year. Eligibility for the program can extend until the student graduates from high school, but the student must be less than twenty-two years of age by August 15 of each year. The student must be a member of a household whose annual income during the year prior to initial receipt of a scholarship met the requirements for free or reduced price lunch, and was previously enrolled in a Tennessee public school during the two semesters immediately preceding the semester in which the student receives a scholarship for enrolling in a Tennessee school for the first time or received a scholarship in the previous school year. The annual scholarship amount a student can be eligible for, is the cost of tuition and fees that would otherwise be charged by the school, or the amount representing the per pupil state and local funds generated and required through the basic education program for the LEA in which the student resides and is zoned to attend. The total number of scholarships awarded statewide for the 2017–2018 school year, shall not exceed five thousand scholarships. For the 2018–2019 school year, no more than seven thousand five hundred scholarships. For the 2019–2020 school year, no more than ten thousand scholarships. For the 2020–2021 school year and thereafter, no more than twenty thousand scholarships shall be awarded. Allows private schools in Tennessee to voluntarily agree to participate in the program and enroll eligible students, but the participating private school must provide notice, on an annual basis, of intent to participate in the program to the department of education through an application developed by the department. The participating school must be identified as a category I, II, or III school, annually administer to scholarship students state assessments as provided or nationally recognized norm-referenced tests; provide the parents of scholarship students the results of their individual student's annual assessments, provide the department of education with graduation rates of scholarship students as well as other student information, and comply with nondiscrimination policies. Requires participating schools to submit to the department a financial audit conducted by a certified public accountant, and provide lunch to scholarship students at no cost or at a reduced cost pursuant to the same income qualifications established under the National School Lunch Program. Requires the department of



education to determine and approve school and student eligibility and participation; if the number of eligible students who submit applications exceeds the permissible number of scholarships available statewide or the available seats at participating schools for any grade level, the department shall conduct a random selection process to award scholarships that provides each eligible student with an equal opportunity for selection. The department may suspend or terminate a school's participation in the program, if the department determines the school has failed to comply with the requirements outlined in code section 49-1-1203 (A) of the bill. If a participating school is suspended or terminated from the program, or if the school otherwise withdraws from the program, scholarship students enrolled at the school may transfer to another participating school without loss of scholarship eligibility and such students shall be given preference for enrollment.

**Amendment Summary** Senate Education Committee Amendment 1 (004843) designate FY18-19 as the first year that students can participate.

**Fiscal Note** (Dated February 26, 2017) Increase State Expenditures Exceeds \$330,400/FY17-18 \$230,400/FY18-19 and Subsequent Years Other Fiscal Impact For local education agencies that have schools in the bottom five percent of achievement and are mandated to participate in the statewide scholarship program, the shift of state and required local BEP funding from these local education agencies to the non-public participating schools is estimated as follows: \$17,735,000 in FY17-18; \$27,266,300 in FY18- 19; \$37,265,000 in FY19-20; and an amount exceeding \$37,265,000 in FY18-19 and subsequent years.

**Senate Status** 03/22/17 - Failed in Senate Education Committee after adopting amendment 1 (004843).

**House Status** 02/07/17 - Referred to House Education Administration and Planning Subcommittee.

**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** 03/24/17 - Senate sponsor changed from Green to Tracy.

**House Status** 03/28/17 - House Education Administration and Planning Committee deferred to Summer Study.

**SB500 EDUCATION: Requirements for individualized education account.**

**Sponsors** Sen. Kelsey, Brian,

**Summary** Removes requirements for students with disabilities to receive an individualized education account. Specifies that attendance of a public school for at least two semesters or attendance of a Tennessee school



for the first time are no longer requirements to receive an individualized education account.

**Fiscal Note** (Dated April 10, 2017) Increase State Revenue \$77,800/FY18-19/Department of Education \$81,700/FY19-20/Department of Education \$85,800/FY20-21/Department of Education Exceeds \$85,800 /FY21-22 and Subsequent Years/Department of Education Increase Local Expenditures Exceeds \$583,500/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: \$1,867,300 in FY18-19; \$1,961,600 in FY19-20; \$2,059,400 in FY20-21; and amounts exceeding \$2,059,400 in FY21-22 and subsequent years.

**Senate Status** 02/09/17 - Referred to Senate Education Committee.

**SB534/HB503 EDUCATION: Increases the number of BEP funded full-time public school nurse positions.**

**Sponsors** Sen. Southerland, Steve, Rep. Hawk, David

**Summary** Increases the number of BEP funded full-time public school nurse positions from one for every 3,000 students to one for every 750 students. Increases the number of full-time public school nurses considered sufficient for the public school nurse program to adequately provide services from one nurse for every 3,000 students to one nurse for every 750 students.

**Fiscal Note** (Dated March 24, 2017) Increase State Expenditures \$42,583,800/FY17-18 and Subsequent Years/BEP Increase Local Expenditures \$4,015,500/FY17-18 and Subsequent Years/BEP\* Up to \$10,179,100/FY17-18 and Subsequent Years/Permissive

**Senate Status** 03/29/17 - Taken off notice in Senate Education Committee.

**House Status** 03/28/17 - House Education Administration and Planning Subcommittee deferred to Summer Study.

**SB536/HB449 EDUCATION: Report on Response to Instruction and Intervention framework.**

**Sponsors** Sen. Tracy, Jim, Rep. Forgety, John

**Summary** Requires the office of research and education accountability to study the Response to Instruction and Intervention framework and submit a report on its implementation in elementary schools to the members of the education committee of the senate and the education administration and planning committee of the house of representatives no later than July 1, 2018. Broadly captioned.

**Amendment Summary** House Amendment 1, Senate Education Committee Amendment 1 (005210) requires the Department of Education the authority to compile an Effectiveness Score graded 1-5, which shall be reported on the State Report Card alongside the A-F letter grade. The Effectiveness Score outcomes shall be broken down as follows: Level 5 - Exemplary. Level 4





- Advancing. Level 3 - Satisfactory. Level 2 - Underperforming. Level 1 - Priority.

**Fiscal Note** (Dated February 13, 2017) NOT SIGNIFICANT

**Senate Status** 04/05/17 - Failed in Senate Education Committee after adopting amendment 1 (005210).

**House Status** 04/06/17 - House passed with amendment 1 (005210).

**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, House Education Instruction & Programs Committee 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.

**Fiscal Note** (Dated February 18, 2017) Increase Local Expenditures \$253,600\*

**Senate Status** 05/09/17 - Senate passed with amendment 1 (004654).

**House Status** 05/08/17 - Failed in House Finance Subcommittee on a vote of 6-6.

**SB573/HB715 EDUCATION: Students diagnosed with disability may be considered for Individualized Education Act.**

**Sponsors** Sen. Gresham, Dolores, Rep. Moody, Debra

**Summary** Expands eligibility of students for the Individual Education act to those who have been diagnosed with a disability by a licensed physician or psychologist.

**Fiscal Note** (Dated March 2, 2017) Increase State Revenue \$170,800/FY17-18/Department of Education \$176,800/FY18-19/Department of Education \$183,000/FY19-20/Department of Education Exceeds \$183,000/FY20-21 and Subsequent Years/Department of Education Increase State Expenditures \$237,900/FY17-18 \$234,900/FY18-19 and Subsequent Years Other Fiscal Impact For 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: \$4,100,000 in FY17- 18; \$4,243,400 in FY18-19; \$4,391,100 in FY19-20; and amounts exceeding \$4,391,100 in FY18-19 and subsequent years.



**Senate Status** 03/08/17 - Taken off notice in Senate Education Committee.

**House Status** 03/07/17 - Taken off notice in House Education Administration and Planning Subcommittee.

**SB584/HB63 EDUCATION: Annual report by commissioner of education on conflict resolution intervention programs.**

**Sponsors** Sen. Gresham, Dolores, Rep. Kane, Roger

**Summary** Changes from "February 15" to "the second Tuesday in January" the date by which the commissioner of education is to make the annual report on conflict resolution intervention programs. Broadly captioned.

**Amendment Summary** House Amendment 1 (005442) rewrites the bill. Utilizes the state board definition of "disabilities" for the purpose of determining eligibility for an Individualized Education Account (IEA). Adds "developmental delay" and "multiple disabilities" to the list of qualifying IEA disabilities. Requires qualifying individualized education programs (IEPs) to meet certain standards. Requires parents whose children participate in the IEA program to provide an education in English language arts. Requires tutoring services paid for through the IEA program to meet the requirements established by the DOE and the SBE. Requires online educational learning programs or courses paid for through the IEA program to meet SBE and DOE requirements. Requires therapy paid for through the IEA program to meet SBE and DOE requirements. Eliminates the role of the DOE in creating an application and approval process for providers to become IEA participating providers. Limits the review process of the IEA program to either random, quarterly, or annual review. Authorizes the DOE to deduct six percent from BEP funds transferred to IEAs for administering the program.

**Fiscal Note** (Dated January 20, 2017) NOT SIGNIFICANT

**Senate Status** 04/27/17 - Senate passed.

**House Status** 04/24/17 - House passed with amendment 1 (005442).

**Executive Status** 05/18/17 - Enacted as Public Chapter 0305 effective May 5, 2017.

**SB662/HB45 EDUCATION: Opportunity for physical activity for students in K-12.**

**Sponsors** Sen. Tracy, Jim, Rep. Dunn, Bill

**Summary** Deletes the requirement for LEAs to provide students with certain periods of physical activity depending on grade level of student.

**Amendment Summary** House Amendment 1 (003847) requires all elementary school students have at least 130 minutes and middle and high school students at least 90 minutes of physical activity per week. It also requires an annual report on implementation to be made by the Office of Coordinated School Health regarding inclusion of physical activity into the school day. House Amendment 2 (005134) adds a new subsection that says to satisfy the requirements of subdivision (a)(1), an LEA shall offer elementary students at least one fifteen-minute (15) minute period of physical activity per day. It also deletes the language "August 1" in subsection (c) of Section 1 of the bill and substitutes instead the language "October 1." It further clarifies that the requirements of



subsection (a) may work in conjunction with the school's physical education program, but subsection (a) shall not replace the current physical education program in a school.

**Fiscal Note** (Dated January 25, 2017) NOT SIGNIFICANT

**Senate Status** 03/20/17 - Senate passed with amendment 1 (003847).

**House Status** 03/16/17 - House passed with amendment 1 (003847) and amendment 2 (005134).

**Executive Status** 04/13/17 - Enacted as Public Chapter 0099 effective April 4, 2017.

**SB729/HB1196 EDUCATION: Tennessee Educators Protection Act.**

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

**Summary** Specifies that an educational entity is not liable for taking any action related to the control, grading, suspension, expulsion, or discipline of a student unless that action violates a law, rule or school policy and that action occurs while the student is on the property of the educational entity or under the supervision of the educational entity or its employee. Also specifies that an educational entity or employee is not liable for making a report consistent with federal or state law to the appropriate law enforcement authorities or to an official an educational entity if the person making the report has reasonable grounds to suspect the student to be under the influence of drugs or alcohol, involved in the sale or distribution of drugs or alcohol or involved in another illegal activity. Defines "educational entity" to mean the state board of education, the department of education, and any other body, board, or agency that governs a public or private school, including LEAs and local boards of education. Creates other liability protections for educational entities and employees.

**Amendment Summary** Senate Amendment 1 (006743) rewrites the bill such that the only substantive changes are to remove the fine for false statements, limit civil action to employees, remove expert witness fees as a cost awarded, and remove the 25% limit on attorney's fees.

**Fiscal Note** (Dated March 27, 2017) Other Fiscal Impact To the extent litigation against employees is reduced, there will be a decrease in state expenditures from the Tennessee Educator Liability Fund, as well as a potential decrease to local government expenditures. The extent and timing of any such impacts cannot be reasonably determined for such impacts are dependent upon unknown facts related to such cases. SB 729 - HB 1196

**Senate Status** 04/20/17 - Senate passed with amendment 1 (006743).

**House Status** 05/04/17 - House passed.

**Executive Status** 05/24/17 - Enacted as Public Chapter 0407 effective July 1, 2017.

**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** 04/04/17 - House Education Administration and Planning Subcommittee deferred to 2018.

**SB831/HB841 EDUCATION: K-12 Block Grant Act.**

**Sponsors** Sen. Yarbrow, Jeff, Rep. Fitzhugh, Craig

**Summary** Enacts the "K-12 Block Grant Act," which distributes block grants to each LEA to improve the quality of education in a manner deemed appropriate by the local board of education. Prohibits block grant funds from being used for salaries or other recurring expenditures. Appropriates \$250 million from excess state tax revenues over collected in fiscal years 2015-2016 and 2016-2017 for K-12 block grants.

**Amendment Summary** House Amendment 1 (008721) deletes and rewrites the bill such that the only substantive changes are: to create an Education Investment Endowment Fund (EIEF) from which K-12 block grant funding is distributed where the State Treasurer serves as the chair of the trustees; authorizes funds transferred to the EIEF to be invested with other funds; authorizes funds to be transferred to the revenue fluctuation reserve in any year in which the revenue fluctuation reserve is used to meet unexpected shortfalls of revenue; moves the first required report date from February 1, 2018 to February 1, 2019, and to each February 1 thereafter, on LEA uses of block grant funding; and changes the first year for which block grants are to be distributed from FY17-18 to FY19-20. House Amendment 2 (008748) requires the state treasurer to submit a written report on all investments, reinvestments, deposits, transfers, appropriations, balances, withdrawals, expenses, allocations, distributions, and trust income generated each fiscal year in the education investment endowment fund to the education administration and planning committee of the house of representatives and to the education committee of the senate by February 1, 2019, and on each February 1 thereafter.

**Fiscal Note** (Dated March 18, 2017) Increase State Revenue \$250,000,000/FY17-18/K-12 Block Grant Fund Increase State Expenditures \$250,147,700/FY17-18/General Fund \$142,200/Each Year FY18-19 through FY26-27/General Fund \$25,000,000/Each FY17-18 through FY26-27/K-12 Block Grant Fund Increase Local Revenue \$25,000,000/Each Year FY17-18 through FY26-27/Local Education Agencies

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

**House Status** 05/09/17 - House passed with amendments 1 (008721) and 2 (008748).

**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.

**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** 04/05/17 - Senate Education Committee recommended. Sent to Senate Finance.

**House Status** 04/05/17 - House Education Instruction and Programs Subcommittee deferred to 01/01/18.

**SB1091/HB1334 EDUCATION: Extends deadline for annual report of virtual education program.**

**Sponsors** Sen. Roberts, Kerry, Rep. Shaw, Johnny

**Summary** Changes from July 1 to August 1 the date by which the department of education must submit its annual report of virtual education program operation, success, improvement efforts, and funding adequacy to the governor, the general assembly, the state board of education, and the BEP review committee. Broadly captioned.

**Fiscal Note** (Dated February 14, 2017) NOT SIGNIFICANT

**Senate Status** 03/29/17 - Taken off notice in Senate Education Committee.

**House Status** 02/15/17 - Referred to House Education Administration and Planning Subcommittee.

**SB1108/HB1301 EDUCATION: Deadline for submitting the department of education's annual report on virtual education programs.**

**Sponsors** Sen. Kyle, Sara, Rep. Turner, Johnnie

**Summary** Changes from July 1 to September 1 the date by which the department of education must submit its annual report on virtual education programs to the governor, the general assembly, the state board of education, and the BEP review committee. Broadly captioned.

**Fiscal Note** (Dated February 13, 2017) NOT SIGNIFICANT

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

**House Status** 02/15/17 - Referred to House Education Administration and Planning Subcommittee.



**SB1198/HB308 EDUCATION: Changes to student accountability measures.**

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

**Summary** Makes various revisions to student accountability measures due to the implementation of The Every Student Succeeds Act (ESSA), such as revising the way the state board of education and the department of education determine school performance level. Redefines priority school from being a school representing the bottom 5 percent of schools in overall achievement to a school in the bottom 5 percent of schools in performance. Part of Administration Package.

**Fiscal Note** (Dated March 10, 2017) NOT SIGNIFICANT

**Senate Status** 04/03/17 - Senate passed.

**House Status** 04/10/17 - House passed.

**Executive Status** 05/01/17 - Enacted as Public Chapter 0177 effective April 24, 2017.

**SB1394/HB872 EDUCATION: Prohibits the suspension or expulsion of students in pre-kindergarten and kindergarten.**

**Sponsors** Sen. Tate, Reginald, Rep. Akbari, Raumesh

**Summary** Prohibits any student in pre-kindergarten through kindergarten (pre-K-K) to be suspended or expelled from school unless the student's behavior endangers the physical safety of other students or school personnel as determined by the director of schools. A student in pre-kindergarten through kindergarten (pre-K-K) whose behavior endangers the physical safety of other students or school personnel may be suspended for three (3) days or less. The student must be provided an opportunity for the student's anger, fear, or anxiety to subside and the student's teacher or principal or both have had a conversation with the student concerning the behavior and the underlying issues that may have precipitated the behavior before the student can be suspended or expelled. The principal must notify the parent of the student's suspension on the day the suspension occurs. Requires each LEA to adopt clear policies and procedures for addressing misbehavior of students in pre-kindergarten through kindergarten (pre-K-K) that creates a safe, supportive, and positive school climate and addresses misbehavior through interventions and consequences aimed at understanding and addressing the causes of the misbehavior. Allows the Tennessee state board of education to develop model policies and procedures to provide guidance to each LEA in adopting a policy. Requires each LEA to adopt its policies and procedures before the beginning of the 2018-2019 school year, and must inform parents of its policies and procedures concerning behavior management for students in pre-kindergarten through kindergarten (pre-K-K) at the beginning of each school year and must post its policies and procedures on its website.

**Amendment Summary** House Amendment 1 (004969) rewrites the bill. Requires the Department of Education (DOE) to conduct a review of all current laws and policies related to exclusionary discipline of students in pre-kindergarten through kindergarten and present its findings no later than



May 1, 2018. Requires the DOE to develop a model policy for alternatives to exclusionary discipline practices. Requires LEAs to adopt the model policy or develop their own policy prior to the 2018-19 school year.

**Senate Status** 04/13/17 - Senate passed.

**House Status** 04/10/17 - House passed with amendment 1 (004969).

**Executive Status** 05/01/17 - Enacted as Public Chapter 0204 effective April 27, 2017.

## Elections

### **SB1121/HB79 CAMPAIGNS & LOBBYING: Eligible identification for voting.**

**Sponsors** Sen. Kyle, Sara, Rep. Hardaway, G.A.

**Summary** Permits the use of a photo identification card issued by the State of Tennessee, the United States, or an accredited postsecondary institution of education in Tennessee for purposes of verifying the identity of an eligible voter.

**Fiscal Note** (Dated March 9, 2017) Increase State Expenditures - \$400/One-Time

**Senate Status** 04/05/17 - Taken off notice in Senate State & Local Government Committee.

**House Status** 04/04/17 - Failed in House Local Government Subcommittee.

### **SB1379/HB184 CAMPAIGNS & LOBBYING: Obtaining a photo identification license for voting purposes.**

**Sponsors** Sen. Tate, Reginald, Rep. Favors, JoAnne

**Summary** Adds language to allow any person who is 65 years of age or older, who has never been issued a birth certificate, to be issued a photo identification license for voting purposes by providing a social security card, Medicare card, health insurance card, or other satisfactory document substantiating the person's identity.

**Fiscal Note** (Dated February 26, 2017) NOT SIGNIFICANT

**Senate Status** 03/28/17 - Taken off notice in Senate State & Local Government Committee.

**House Status** 03/21/17 - Failed in House Local Government Subcommittee.

## Employment

### **SB1224/HB1276 ECONOMIC DEVELOPMENT: Electronic version of the annual report to the governor from the chief procurement officer.**

**Sponsors** Sen. Massey, Becky, Rep. Daniel, Martin

**Summary** Allows the chief procurement officer to submit the annual report on the awarding of purchases to minority-owned business, woman-owned business, service-disabled veteran-owned business, or small business and the total value of awards made during the preceding fiscal year under this part to the governor and the general assembly members electronically. Broadly captioned.

**Amendment Summary** House Amendment 1 (006525) rewrites the bill. In reference to public purchases, the language "business owned by persons with disabilities" is added immediately after language having to do with "service-disabled



veteran-owned businesses" wherever it appears. It also adds a new subsection to TCA 12-3-1102, having to do with part definitions for the section, defining "business owned by persons with disabilities." "Business owned by persons with disabilities" is defined as a business owned by a person with a disability that is a continuing, independent, for-profit business that performs a commercially useful function, and is at least 51% owned and controlled by one or more persons with a disability; or, in the case of any publicly owned business, at least 51% of the stock of which is owned and controlled by one or more persons with a disability and whose management and daily business operations are under the control of one or more persons with a disability. It also adds a new subsection to TCA 12-3-1112, dealing with the governor's office of diversity business enterprises. The small business advocate within the office of the comptroller of the treasury shall be qualified by training or relevant and recent experience in administering programs to encourage and enhance economic opportunities for minority-owned businesses, woman-owned businesses, service-disabled veteran-owned businesses, businesses owned by persons with disabilities, and small businesses. The advocate will also attend training provided by the governor's office or other specialized instruction to enhance understanding of particular obstacles. House Amendment 2 (008540) requires that the annual report made by the chief procurement officer concerning the awarding of purchases to minority-owned business, woman-owned business, service-disabled veteran-owned business, or small business and the total value of awards made also include the total dollar amount of purchases awarded to all businesses in this state.

**Fiscal Note** (Dated February 16, 2017) NOT SIGNIFICANT

**Senate Status** 05/09/17 - Senate passed.

**House Status** 05/09/17 - House passed with amendment 1 (006525) and 2 (008540).

**Executive Status** 06/06/17 - Signed by governor.

### Government Organization

**SB66/HB236 GOVERNMENT ORGANIZATION: Sunset - committee for purchase from the blind and other severely disabled.**

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

**Summary** Extends the committee for purchase from the blind and other severely disabled four years to June 30, 2021.

**Fiscal Note** (Dated January 26, 2017) NOT SIGNIFICANT

**Senate Status** 02/13/17 - Senate passed.

**House Status** 03/20/17 - House passed.

**Executive Status** 04/06/17 - Enacted as Public Chapter 0047 effective March 31, 2017.

**SB68/HB224 GOVERNMENT ORGANIZATION: Sunset- department of children's services.**

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





**Summary** Extends the department of children's services to June 30, 2021. Requires the department to report back to the government operations committee on the department's response to the findings in the performance audit report by December 31, 2017.

**Fiscal Note** (Dated February 1, 2017) NOT SIGNIFICANT

**Senate Status** 05/08/17 - Senate passed.

**House Status** 05/03/17 - House passed.

**Executive Status** 05/24/17 - Enacted as Public Chapter 0435 effective May 17, 2017.

**SB72/HB250 GOVERNMENT ORGANIZATION: Sunset- department of mental health and substance abuse services.**

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

**Summary** Extends the department of mental health and substance abuse services four years to June 30, 2021.

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

**Senate Status** 02/13/17 - Senate passed.

**House Status** 03/20/17 - House passed.

**Executive Status** 04/06/17 - Enacted as Public Chapter 0051 effective March 31, 2017.

**SB95/HB215 GOVERNMENT ORGANIZATION: Sunset - statewide planning and policy council for the department of intellectual and developmental disabilities.**

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

**Summary** Extends the statewide planning and policy council for the department of intellectual and developmental disabilities to June 30, 2022.

**Fiscal Note** (Dated February 10, 2017) NOT SIGNIFICANT

**Senate Status** 02/23/17 - Senate passed.

**House Status** 03/20/17 - House passed.

**Executive Status** 04/06/17 - Enacted as Public Chapter 0067 effective March 31, 2017.

**SB96/HB249 GOVERNMENT ORGANIZATION: Sunset - statewide planning and policy council for the department of mental health and substance abuse services.**

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

**Summary** Extends the statewide planning and policy council for the department of mental health and substance abuse services to June 30, 2021.

**Fiscal Note** (Dated February 10, 2017) NOT SIGNIFICANT

**Senate Status** 02/23/17 - Senate passed.

**House Status** 03/20/17 - House passed.

**Executive Status** 04/06/17 - Enacted as Public Chapter 0068 effective March 31, 2017.

**SB183 GOVERNMENT REGULATION: Copy of emergency rules prior to effective date.**

**Sponsors** Sen. Overbey, Doug,

**Summary** Requires an agency to provide a copy of an emergency rule to any person person upon request prior to the rule's effective date.

**Fiscal Note** (Dated February 6, 2017) NOT SIGNIFICANT

**Senate Status** 02/02/17 - Referred to Senate Government Operations Committee.

**SB189 GOVERNMENT REGULATION: Providing copies of emergency rules filed.**



**Sponsors** Sen. Overbey, Doug,

**Summary** Requires an agency to provide a copy of emergency rules filed with the secretary of state to any person upon request. Requires an agency to take steps to make emergency rules known to persons affected by the rules.

**Fiscal Note** (Dated February 6, 2017) NOT SIGNIFICANT

**Senate Status** 02/02/17 - Referred to Senate Government Operations Committee.

## Insurance Health

### **SB991/HB960 INSURANCE HEALTH: Coverage of prescription drugs outside of open enrollment periods.**

**Sponsors** Sen. Green, Mark, Rep. Terry, Bryan

**Summary** Prohibits a health insurance entity that provides health insurance coverage and coverage for prescription drugs from removing any covered prescription drug from its list of covered drugs during health plan year unless the U.S. FDA questions clinical safety or manufacturer notified manufacturing discontinuance or potential discontinuance. Prohibits reclassifying a drug to a more restrictive or higher cost-sharing tier or reducing the maximum coverage of prescription drug benefits. Does not prohibit addition of prescription drugs to list of covered drugs.

**Amendment Summary** Joint Council on Pensions and Insurance Amendment 1 (005346) deletes and replaces language of the original bill such that the act does not alter the ability of a pharmacist to substitute a generic drug or interchangeable biological product in Tenn. Code Ann. § 53-10-204 and § 53-10-211, which have to do with the Tennessee Affordable Drug Act of 2005.

**Fiscal Note** (Dated March 10, 2017) NOT SIGNIFICANT

**Senate Status** 04/04/17 - Failed in Senate Commerce & Labor Committee.

**House Status** 04/05/17 - Taken off notice in House Insurance & Banking Subcommittee.

**Executive Status** 03/27/17 - Joint Council on Pensions and Insurance released to standing committees with favorable comment after adopting amendment 1 (005346).

### **SB1169/HB426 TAXES SALES: Exemption - CPAP supplies.**

**Sponsors** Sen. Hensley, Joey, Rep. Butt, Sheila

**Summary** Exempts CPAP supplies from being subject to sales and use tax.

**Fiscal Note** (Dated March 8, 2017) Decrease State Revenue Net Impact \$1,275,000  
Decrease Local Revenue Net Impact \$520,300

**Senate Status** 05/09/17 - Taken off notice in Senate Finance, Ways & Means Committee.

**House Status** 05/08/17 - Taken off notice in House Finance Subcommittee.



## Intellectual and Developmental Disability

### **SB199/HB384 GOVERNMENT ORGANIZATION: Tennessee Council on Autism Spectrum Disorder.**

**Sponsors** Sen. Overbey, Doug, Rep. Williams, Ryan

**Summary** Terminates the autism spectrum disorder taskforce and creates the Tennessee council on autism spectrum disorder. The council shall consist of the commissioner of intellectual and developmental disabilities or the commissioner's designee, the commissioner of health or the commissioner's designee, the commissioner of education or the commissioner's designee, the commissioner of human services or the commissioner's designee, the commissioner of commerce and insurance or the commissioner's designee, the deputy commissioner of the bureau of TennCare or the deputy commissioner's designee, the commissioner of mental health and substance abuse services or the commissioner's designee, one representative of the council on developmental disabilities, and six adults who have a diagnosis of autism spectrum disorder or who are either family members or primary caregivers of persons with a diagnosis of autism spectrum disorder. Two of the adult members shall represent each grand division of the state, and these persons shall be appointed by the governor. Persons appointed from the western grand division shall serve until June 30, 2019. Persons appointed from the middle grand division shall serve until June 30, 2020. Persons appointed from the eastern grand division shall serve until June 30, 2021. No member of the council can serve more than two consecutive three-year terms. The council shall meet quarterly and may meet more often upon a call of the chair, who is appointed by the governor. No council member shall receive compensation or reimbursement for actual travel and other expenses incurred in attending any meeting or performing any duties. Provides additional guidelines on the duties of the council.

**Amendment Summary** Senate Amendment 1 (003081) adds language to the original bill to designate the Executive Director of the Commission on Children and Youth, or the Executive Director's designee, as an additional member on the Tennessee Council on Autism Spectrum Disorder. Senate Amendment 2 (003489) deletes and replaces language that extends the termination date for the Council to June 30, 2019, rather than June 30, 2018. Senate Amendment 3 (003852) adds language to the amended bill that: (1) changes, from six to nine, the number of adults who have a diagnosis of autism spectrum disorder, or who are either family members or primary caregivers of persons with autism spectrum disorder, to serve as members of the Council and (2) changes, from two to three, the number of adult members who are to represent each grand division of the state.

**Fiscal Note** (Dated February 3, 2017) NOT SIGNIFICANT



**Senate Status** 02/23/17 - Senate passed with amendment 1 (003081), amendment 2 (003489), and amendment 3 (003852).

**House Status** 03/23/17 - House passed.

**Executive Status** 04/06/17 - Enacted as Public Chapter 0086 effective July 1, 2017.

**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.

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

**Senate Status** 03/28/17 - Senate Judiciary Committee deferred to Summer Study.

**House Status** 04/05/17 - House Civil Justice Subcommittee deferred to 2018.

**SB533/HB504 HEALTH CARE: Requires alternative payment from intermediate care facility for those with intellectual disabilities.**

**Sponsors** Sen. Southerland, Steve, Rep. Hawk, David

**Summary** Adds language to require that if property being used as an intermediate care facility for individuals with intellectual disabilities (ICF/IID) is exempt from property taxes, the owners of the property shall agree to make payments in lieu of taxes to the tax jurisdictions in which they are located in an amount negotiated to cover the cost of improvements, facilities, or services rendered by the tax jurisdictions. If no amount is agreed, the payments must be no less than twenty-five percent (25%) of the amount of property tax that would be due if the project were not exempt.

**Fiscal Note** (Dated March 16, 2017) Increase State Expenditures \$58,200 Increase Federal Expenditures - \$111,000 Increase Local Revenue - Exceeds \$215,800

**Senate Status** 03/21/17 - Taken off notice in Senate State & Local Government Committee.

**House Status** 02/14/17 - Referred to House Local Government Subcommittee.

**SB597/HB968 HEALTH CARE: Disabled adults may have personal aides to perform health maintenance tasks.**

**Sponsors** Sen. Haile, Ferrell, Rep. Hill, Matthew

**Summary** Allows disabled adults to have paid personal aides to perform health maintenance tasks. Requires a licensed health care provider to determine if a task can be provided by a paid personal aide. Requires a licensed health care provider to evaluate the ability of the paid personal aide to perform the health maintenance task, teach the health maintenance task, ensure supervision of the paid personal aide, and re-evaluate the aide at regular intervals. Exempts the licensed healthcare provider who ordered treatment by a paid personal aide from liability for negligence. Requires the Tennessee commission on aging and disabilities to promulgate rules implementing this act after consulting



various agencies, including the bureau of TennCare and the department of intellectual and developmental disabilities.

**Amendment Summary** Senate Amendment 1 (005397) removes the provision that requires the paid aide to be evaluated and supervised. Adds language that indicates that self-direction of healthcare tasks by an individual receiving Medicaid-reimbursed home and community based long-term care services are to be provided pursuant to Title 71, Chapter 5, Part 14. Removes the Board of Nursing from the list to be consulted for the promulgation of rules and adds the Dept. of Mental Health and Substance Abuse Services, AARP Tennessee, the Tennessee Disability Coalition, and the Tennessee Association of Home Care to the list that the Tennessee Commission on Aging and Disability are required to consult with for the promulgation of rules.

**Fiscal Note** (Dated February 26, 2017) Decrease State Expenditures Exceeds \$906,200/FY17-18 Exceeds \$1,812,400/FY18-19 and Subsequent Years Decrease Federal Expenditures Exceeds \$1,728,400/FY17-18 Exceeds \$3,456,900/FY18-19 and Subsequent Years

**Senate Status** 04/17/17 - Senate passed with amendment 1 (005397).

**House Status** 05/03/17 - House passed.

**Executive Status** 05/18/17 - Enacted as Public Chapter 0349 effective May 11, 2017.

**SB810/HB905 PUBLIC EMPLOYEES: Costs and compensation when a disabled person does not qualify for SSI benefits.**

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

**Summary** Provides that all proceeds for costs and compensation must be kept by the district public guardian to support the ongoing operations of that respective district public guardian. This applies when a disabled person does not qualify for SSI benefits.

**Fiscal Note** (Dated February 24, 2017) NOT SIGNIFICANT

**Senate Status** 03/14/17 - Taken off notice in Senate Judiciary Committee.

**House Status** 03/22/17 - Taken off notice in House Civil Justice Subcommittee.

**SB918/HB1385 PUBLIC FINANCE: Transfer of Clover Bottom property to metro government from department of general services.**

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

**Summary** Requires the department of general services to transfer the Clover Bottom property to Metropolitan Government of Nashville-Davidson County by sale or land swap no later than June 30, 2018. Earmarks any proceeds from a sale to the Employment and Community First CHOICES Program.

**Senate Status** 02/13/17 - Referred to Senate State & Local Government Committee.

**House Status** 02/15/17 - Referred to House State Government Subcommittee.

**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 Transportation & Safety Committee Amendment 1 (004958) deletes and replaces language of the original bill to specify the type of physician that can provide documentation that an applicant has a disability, and to change the effective date from July 1, 2017, to January 1, 2018.

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

**House Status** 04/05/17 - House Transportation Subcommittee deferred to 01/01/18.

### Miscellaneous

**SB33/HB31 PROFESSIONS & LICENSURE: Expands barbers' ability to perform services.**

**Sponsors** Sen. Harris, Lee, Rep. Parkinson, Antonio

**Summary** Expands barbers' ability to perform services in the residence of any person suffering from illness to include persons with disability. Broadly captioned.

**Fiscal Note** (Dated February 5, 2017) NOT SIGNIFICANT

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

**House Status** 03/21/17 - Taken off notice in House Business & Utilities Subcommittee.

### 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** 04/04/17 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 04/11/17 - Taken off notice in House Health Committee.

**SB165/HB178 WELFARE: Medical assistance to those who take part in the medicaid program.**

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

**Summary** Changes the administering agency for the medicaid program from the department of health to the department of finance and administration.



Alters the reporting date for the annual actuarial study by the comptroller of the treasury from April 15 to April 1.

**Fiscal Note** (Dated January 30, 2017) NOT SIGNIFICANT

**Senate Status** 04/10/17 - Senate Health & Welfare Committee deferred to 01/01/18.

**House Status** 03/29/17 - Taken off notice in House Insurance & Banking Subcommittee.

**SB166/HB359 WELFARE: Medical assistance to those who take part in the medicaid program.**

**Sponsors** Sen. Kelsey, Brian, Rep. Zachary, Jason

**Summary** Changes the administering agency for the medicaid program from the department of health to the department of finance and administration. Alters the reporting date for the annual actuarial study by the comptroller of the treasury from April 15 to April 1.

**Fiscal Note** (Dated January 31, 2017) NOT SIGNIFICANT

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

**House Status** 02/07/17 - Referred to House Health Subcommittee.

**SB188/HB649 TENNCARE: Material changes affecting TennCare enrollment or application.**

**Sponsors** Sen. Overbey, Doug, 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 to 15 days. Broadly captioned.

**Amendment Summary** House Amendment 1 (004497) rewrites the bill. Authorizes a law enforcement officer, who has been specifically designated by the Inspector General to enforce TennCare fraud and abuse, to make arrests for offenses involving criminal fraud and abuse of the TennCare program and any other violations of state criminal law related to the operation of TennCare.

**Fiscal Note** (Dated February 16, 2017) NOT SIGNIFICANT

**Senate Status** 04/19/17 - Senate passed.

**House Status** 04/17/17 - House passed with amendment 1 (004497).

**Executive Status** 05/09/17 - Enacted as Public Chapter 0244 effective May 2, 2017.

**SB191/HB643 WELFARE: Health care safety net.**

**Sponsors** Sen. Overbey, Doug, Rep. McDaniel, Steve

**Summary** Deletes language associated with the creation and implementation of the health care safety net's 24/7 hotline, designed to assist and direct individuals in need of medical care and services to available resources in their areas.

**Fiscal Note** (Dated March 8, 2017) NOT SIGNIFICANT

**Senate Status** 02/02/17 - Referred to Senate Health & Welfare Committee.

**House Status** 02/14/17 - Referred to House Health Subcommittee.

**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** 04/03/17 - Senate Commerce & Labor Committee deferred to summer study.

**House Status** 03/22/17 - House Insurance & Banking Subcommittee deferred to summer study.

**SB852/HB584 TENNCARE: Recipients of medical assistance.**

**Sponsors** Sen. Briggs, Richard, Rep. Love Jr., Harold

**Summary** Requires language interpreter services, which may include sign language to help hearing impaired recipients, and spoken language interpreter services to all recipients with limited English proficiency; to be included as medical assistance for the TennCare program.

**Fiscal Note** (Dated February 14, 2017) NOT SIGNIFICANT

**Senate Status** 04/20/17 - Senate passed.

**House Status** 04/13/17 - House passed.

**Executive Status** 05/09/17 - Enacted as Public Chapter 0243 effective July 1, 2017.

**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** 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** 05/08/17 - Taken off notice in House Finance Subcommittee.

**SB1213/HB324 TENNCARE: Time period for enrollee to mail documentation of material changes to information.**

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

**Summary** Changes time period for a TennCare enrollee or applicant to mail documentation of material changes to information in a TennCare application from 30 to 15 days. Requires the court to notify the appropriate state facility if the court commits the defendant to a public hospital has available with suitable accommodations in lieu of the state facility. Prohibits the delivery of mental health information of a patient without the patient's consent. Requires the commissioner to consult the bureau of TennCare when determining the contents of the report of health statistics. Broadly captioned. Part of Administration Package.

**Fiscal Note** (Dated March 21, 2017) NOT SIGNIFICANT

**Senate Status** 02/13/17 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/07/17 - Referred to House Health Subcommittee.

**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** 03/29/17 - House Health Subcommittee deferred to 2018.

**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** 05/01/17 - Taken off notice in House Study Subcommittee of Finance.

**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.



**SB1212/HB323 WELFARE: Consumer-directed care.**

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

**Summary** Makes self-directed health care available to anyone receiving medicaid-reimbursed home and community based long-term care services, support in accord with state plan or federal waiver. Part of Administration Package.

**Senate Status** 03/08/17 - Senate Health & Welfare Committee deferred until 3/15/17.

**House Status** 02/07/17 - Referred to House Health Subcommittee.

Welfare

**SB7/HB632 GOVERNMENT REGULATION: Capping the total value of certain public assistance at the level of average household income in the state.**

**Sponsors** Sen. Green, Mark, Rep. Holt, Andy

**Summary** Places a cap on the total value of public assistance benefits a household can receive that is not to exceed the median household income for the State of Tennessee. States that once a household reaches the median income level, the household is ineligible for further public assistance. The department of finance and administration shall develop a system for calculating the value of public assistance a household is receiving and monitor affected households.

**Fiscal Note** (Dated March 2, 2017) Increase State Expenditures - \$2,925,600/FY17-18 \$2,041,100/FY18-19 \$1,348,200/FY19-20 and Subsequent Years  
Other Fiscal Impact -- The provisions of the bill conflict with federal laws governing the states participation and operation of the Supplemental Nutrition Assistance Program (SNAP), the Child Care Development Block Grant (CCDBG), and Unemployment Insurance (UI) and would jeopardize federal funding. The federal funding for these programs of approximately \$1,909,000,000 for SNAP, \$127,000,000 for CCDBG, and \$32,000,000 for UI, will be in jeopardy in FY17-18 and subsequent years.

**Senate Status** 03/22/17 - Taken off notice in Senate Health & Welfare Committee.

**House Status** 03/22/17 - Taken off notice in House Health Subcommittee.

**SB365/HB227 WELFARE: Program Integrity Act of 2017.**

**Sponsors** Sen. Roberts, Kerry, Rep. Howell, Dan

**Summary** Enacts the "Program Integrity Act of 2017", which requires the Tennessee education lottery corporation on a monthly basis to provide the department of human services the name, prize amount, and other available identifying information of any individual collecting a prize of more than five thousand dollars. Adds language to Title 71 that requires the department of human services on a quarterly basis to conduct data matches against information databases as required by federal law (the guideline for the specific data being collected can be found in section 3 (A) of the bill). Allows the department of human services to join any multi-state cooperative for identifying individuals who currently receive



benefits in other states. Requires the bureau of TennCare to implement an automated, electronic eligibility system for the purpose of verifying identity information for each respective applicant and enrollee prior to awarding SNAP assistance.

**Fiscal Note** (Dated February 11, 2017) NOT SIGNIFICANT

**Senate Status** 04/03/17 - Senate passed.

**House Status** 02/27/17 - House passed.

**Executive Status** 05/01/17 - Enacted as Public Chapter 0191 effective December 1, 2017.

**SB504/HB1215 WELFARE: Report on recommendations regarding the supplemental nutrition assistance program.**

**Sponsors** Sen. Tracy, Jim, Rep. Hicks, Gary

**Summary** Requires the commissioner of human services to study and report any appropriate recommendations to the health and welfare committee of the senate and the health committee of the house concerning options for reducing or prohibiting the purchase of harmful products with no or little nutritional value by recipients of benefits under the supplemental nutrition assistance program.

**Fiscal Note** (Dated February 14, 2017) NOT SIGNIFICANT

**Senate Status** 03/29/17 - Senate Health & Welfare Committee deferred to Summer Study.

**House Status** 04/05/17 - Taken off notice in House Health Subcommittee.

**SB505/HB1218 WELFARE: Federal waiver of work requirements for adults in the supplemental nutrition assistance program.**

**Sponsors** Sen. Tracy, Jim, Rep. Hicks, Gary

**Summary** Prohibits the department of human services from seeking, applying for, accepting, or renewing a federal waiver of work requirements for adults in the supplemental nutrition assistance program.

**Fiscal Note** (Dated March 22, 2017) NOT SIGNIFICANT

**Senate Status** 05/09/17 - Taken off notice in Senate Finance, Ways & Means Committee.

**House Status** 04/12/17 - Taken off notice in House Health Subcommittee.

**SB1172/HB91 WELFARE: Requirements for recipients of food assistance (SNAP).**

**Sponsors** Sen. Hensley, Joey, Rep. VanHuss, James

**Summary** Requires recipients of food assistance (SNAP), as a condition of participation and eligibility, to periodically submit proof that the recipient has been employed for at least 20 hours of work each week, has been engaged in at least 24 hours of community service each month, has participated at an employment center in classes to improve skills or in actively seeking employment for at least 20 hours each week, or is enrolled as a full-time student in a higher education institution or technical school. Specifies certain exemptions to this requirement.

**Amendment Summary** House Health Subcommittee amendment 1 (004172), which codifies standard practices by the Department of Human Services with respect to county by county waivers.



**Fiscal Note** (Dated March 5, 2017) Increase State Expenditures - \$8,600 Increase Federal Expenditures - \$8,600 Other Fiscal Impact -- The provisions of the bill could jeopardize federal funding if it is determined the state is noncompliant with federal law. The DHS reports that if someone is denied benefits that would otherwise be eligible by virtue of meeting general work requirements and requirements applicable to Able-Bodied Adults with Dependents, and such action is considered noncompliant with federal law, then the Departments federal funding, approximately \$1,909,112,700 in FY17-18, could be in jeopardy.

**Senate Status** 03/29/17 - Taken off notice in Senate Health & Welfare Committee.

**House Status** 04/04/17 - Taken off notice in House Finance, Ways & Means.





































