

LEGISLATIVE MONITOR

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A Report on State and Federal Legislation
Affecting Persons with Disabilities
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Bills Introduced in the 106th General Session, 2nd Session

Bills are listed within each category by Senate Bill (SB) number and its companion House Bill (HB) number. The number with the asterisk is used for bill printing and legislative tracking. The text and current status of the bills are available on the Tennessee General Assembly Web site at: <http://www.capitol.tn.gov/>. An updated version of the list of bills is posted every Monday on The Arc of Tennessee Web site at: <http://www.thearc.tn.org/Monitor.php>.

Explanation of terms: TCA: Tennessee Code Annotated, Tennessee State laws. Caption: the part of the bill defining the purpose of the bill. Caption Bill: bill filed that refers to a large section(s) of the TCA. A Caption Bill will be amended to identify the purpose of the bill. Calendar: the list of bills scheduled to be heard in committee or on the floor of the House or Senate. Deferred: Bill placed on the calendar but the committee adjourned before reaching that part of the calendar or sponsor requests the bill be heard at a later date. Taken off notice or assigned to General subcommittee: bill is temporarily not up for consideration. s/c: subcommittee.

APPROPRIATIONS and BUDGET

SB 3919 *Kyle, Henry

HB 3928* Fitzhugh

Appropriations - As introduced, makes appropriations for fiscal years 2009-2010 and 2010-2011. –

Senate: Referred to Finance

House: Passed 1st Consideration

CONSTITUTIONAL AMENDMENTS

HJR 224* Weaver

General Assembly, Directed Studies - Directs the department of health to study funding and provision of services to autistic children. –

House: Referred to Public Health and Family Assistance s/c of Health and Human Resources

CRIMINAL LAW

SB 2771* Burchett

HB 2867 Haynes

Sentencing - As introduced, authorizes a court to increase the sentence for any offense committed against an elderly person, a minor, or a disabled person to the grade above the prescribed sentence for such offense. - Amends TCA Title 39 and Title 40.

Senate: Referred to Judiciary

House: Assigned to Criminal Practice and Procedure s/c of Judiciary

SB 2903 McNally

HB 2941* Hackworth, Eldridge

Elderly Persons - As introduced, revises missing senior citizen alert program to remove age and other requirements for the citizen and to urge the search for such persons to begin immediately. - Amends TCA Section 38-6-121.

Senate: Referred to General Welfare

House: Deferred in Civil Practice and Procedure s/c of Judiciary to 3/3/10

SB 2940 Norris

HB 2993* DeBerry J

Law Enforcement - As introduced, requires local law enforcement agencies to implement an endangered missing persons alert program, whereby local law enforcement agencies will have set protocol to investigate reports of missing elderly, or mentally or physically disabled persons. - Amends TCA Section 38-6-121.

Senate: Referred to Judiciary

House: Assigned to Criminal Practice and Procedure s/c of Judiciary

DISABILITY SERVICES

SB 2297 Kyle, Finney L

HB 2284* Ferguson

Abuse - As introduced, enacts the "Elderly and Disabled Adults Protection Act of 2009." House Amendment 1 rewrites bill 42 page amendment- Amends TCA Title 33; Title 34; Title 63; Title 68 and Title 71.

Senate: Assigned to General s/c of General Welfare

House: Re-referred to Civil Practice and Procedure s/c of Judiciary

Fiscal Impact: Increase State Expenditures - \$74,900/One-Time; \$1,055,900/Recurring

Increase Federal Expenditures - \$18,700

SB 2495* Overbey

HB 2561 Richardson

Mental Health and Developmental Disabilities, Dept. of - As introduced, requires the chief officer of a hospital or other residential service facility to provide notice of admission to a recipient's attorney-in-fact acting under a durable power of attorney for health care; prohibits a treatment review committee from overriding a decision made by the attorney-in-fact. - Amends TCA Title 33 Relative to mental health services.

Senate: Referred to General Welfare

House: Assigned to Health Care Facilities s/c of Health and Human Resources

SB 2716* Watson
HB 3397 Rich

TennCare - As introduced, requires the bureau of TennCare to use the same reimbursement methodologies for public and private providers of ICF/MR services. - Amends TCA Section 71-5-105.

Senate: Referred to General Welfare
House: Assigned to Public Health and Family Assistance s/c of Health and Human Resources

SB 2798 Henry
HB 2846* Harwell

Disabled Persons - Deletes the language "persons of unsound mind" and substitutes the language "persons found disabled as defined in § 34-1-101(7)". (7) "Disabled person" means any person eighteen (18) years of age or older determined by the court to be in need of partial or full supervision, protection and assistance by reason of mental illness, physical illness or injury, developmental disability or other mental or physical incapacity;. - Amends TCA Titles 1; 16; 20; 27; 28; 29; 30; 32; 34; 36; 50; 54; 66 and 69.

Note: Following discussions with Senator Henry, the bill will be deferred until 2011 to insure that the new language will not have any unexpected consequences.

Senate: General Welfare recommended; referred to Calendar
House: Taken off notice in Judiciary

SB 2822* Finney L
HB 3505 Shepard

Requires documentation prior to approval of nursing home admission that an individual and the individual's family or other caregivers have been advised of home and community-based services as alternatives and that the alternatives are not sufficient, appropriate, cost-effective or desired by the individual or the individual's legal representative. - Amends TCA Title 4; Title 33; Title 56; Title 68 and Title 71. Relative to long term care services

Senate: Referred to General Welfare
House: Caption bill

SB 2823* Finney L , Berke, Stewart
HB 3532 Maddox

Elderly Persons - As introduced, requires certain reports to and by the select committee on long-term care concerning recent long-term care reform legislation. - Amends TCA Title 68 and Title 71. Relative to long-term healthcare

Senate: Referred to General Welfare
House: Assigned to Health Care Facilities s/c of Health and Human Resources

SB 2833 Berke, Crowe
HB 2808* McDonald

Health Care - As introduced, expands scope of medical services for certain individuals who are eligible for medical

assistance to include services provided by nonprofits created specifically to care for related individuals with disabilities. - Amends TCA Section 71-5-107.

Senate: Referred to General Welfare
House: Assigned to Professional Occupations s/c of Health and Human Resources

SB 2867* Marrero B
HB 3022 Jones S

Mental Illness - As introduced, directs commissioner of mental health and developmental disabilities to report to certain legislative committees concerning adding mental health issues to the Drug Court Treatment Act of 2003. - Amends TCA Title 16, Chapter 22, Part 1 and Title 33.

Senate: Referred to General Welfare
House: Caption

SB 2874* Haynes
HB 3761 West

Mental Retardation - Requires any state-owned or operated facility that provides residential services to persons with mental retardation or other developmental disabilities to notify certain congressional committees and each resident's immediate family or guardian of the intention of producing legislation to close any such facility. Mandates that said facilities shall only be closed through GA legislation- Amends TCA Title 4; Title 33 and Title 71.

Senate: Referred to General Welfare
House: Assigned to Health Care Facilities s/c of Health and Human Resources

SB 2989 Barnes
HB 3000* Jones S

Disabled Persons - As introduced, requires the commissioner of human services to report to the house health and human resources committee and the senate general welfare, health & human resources committee on or before February 15, 2011, concerning recommendations about the disability determination process under the social security law. - Amends TCA Title 4; Title 8; Title 50 and Title 71.

Senate: Referred to General Welfare
House: Caption bill

SB 3026* Southerland
HB 3222 Hawk

Mental Illness - As introduced, Extends the court's time to set a hearing for a person involuntarily committed in a mental retardation facility who no longer meets the committal requirements from ten days to 45 days with the hearing held within 90 days instead of 21 days from receipt of notice. Specifies that if the court does not set a hearing within 60 days of receipt of notice the inmate may be released. - Amends TCA Title 33, Chapter 5, Part 4; Title 39 and Title 40.

Senate: Judiciary recommended as amended; referred to Finance

House: Criminal Practice s/c recommended; placed on Judiciary fro 2/23/10

Fiscal Note: Increase State Expenditures - \$51,800

SB 3107* Marrero B

HB 3318 Richardson

Disabled Persons - As introduced, creates a Tennessee Advisory Commission on Autism Spectrum Disorders (ASD) consisting of 22 members. Requires the commission to develop a comprehensive state plan for creating an integrated system of training, treatments, and services for individuals of all ages with an ASD- Amends TCA Title 4 and Title 68.

Senate: Referred to Government Operations

House: Referred to Health and Human Resources; referred to Government Operations for review

SB 3113* Marrero B

HB 3319 Richardson

Mental Illness - As introduced, changes the department of mental health and developmental disabilities' report to legislative committees on the impact of the available suitable accommodations statute from quarterly to monthly. - Amends TCA Title 33. Relative to mental health

Senate: Referred to General Welfare

House: Caption bill

SB 3209* Finney L, Jackson

HB 3529 Maddox

Aged Persons - As introduced, adds implementation of the Long-Term Care Choices Act of 2008 to the required duties of the commission on aging and disability and requires the commission to report annually on such activities to the select oversight committee on long-term care. - Amends TCA Titles 4; 8; 13; 33; 34; 49; 55; 56; 67; 68 and 71.

Senate: Referred to General Welfare

House: Caption bill

SB 3210* Finney L, Jackson

HB 3430 McDonald

Aged Persons - As introduced, requires the select oversight committee on long-term care to review the implementation efforts of the commission on aging and disability for the Long-Term Care Choices Act of 2008; requires a report to the committee concerning the nursing home transition initiative by the commissioner of finance and administration. - Amends TCA Title 68 and Title 71.

Senate: Referred to General Welfare

House: Caption bill

SB 3338 Henry, McNally, Crowe, Tracy, Stewart

HB 3139* Brooks H

Mental Retardation - As introduced, changes references in several titles of Tennessee Code Annotated from "mental retardation" to "intellectual disability." - Amends TCA Title 33; Title 39; Title 41 and Title 49.

Senate: Referred to General Welfare

House: Placed on Public Health and Family Assistance s/c of Health and Human Resources calendar for 2/24/10

SB 3341 McNally

HB 3526* Maddox, Brooks H, Richardson

Health Care - As introduced, creates a stand-alone "department of intellectual and developmental disabilities." - Amends TCA Titles 2; Title 3; Title 4; Title 8; Title 12; Title 33; Title 36; Title 37; Title 39; Title 40; Title 41; Title 45; Title 49; Title 50; Title 53; Title 55; Title 56; Title 57; Title 63; Title 67; Title 68 and Title 71.

Senate: Referred to Government Operations

House: Referred to Health and Human Resources; referred to Government Operations for review

SB 3384 Marrero B

HB 3492* Fincher

Disabled Persons - As introduced, requires a service recipient receiving residential services funds by the division of intellectual disabilities (DIDS) to provide written notice and a reasonable time to cure any issues, to the current service provider before changing service providers. - Amends TCA Title 33.

Senate: Referred to General Welfare

House: Assigned to Public Health and Family Assistance s/c of Health and Human Resources

SB 3409 Crowe

HB 3485* Ferguson , Maddox, DeBerry L, McDaniel

TennCare - As introduced, creates a cabinet level department for Tenn Care. - Amends TCA Title 3; Title 4; Title 56 and Title 71.

Senate: Referred to Government Operations

House: Referred to Commerce; referred to Government Operations for review

SB 3440* Tracy

HB 3865 Mumpower

Statutes and Codification - As introduced, requests the Tennessee code commission to change the name of the "division of intellectual disability services" as it appears in titles 4, 33 and 71 to the "division of developmental disability services" as volumes are replaced and supplements published. - Amends TCA Title 4, Title 33 and Title 71.

Senate: Referred to General Welfare

House: Assigned to Public Health and Family Assistance s/c of Health and Human Resources

SB 3454 Yager

HB 3487* Ferguson , Maddox

General Assembly, Directed Studies - As introduced, extends deadline for special joint committee to study the issues relating to services provided to persons with developmental disabilities, mental retardation, and other disabilities from February 1, 2010, to April 1, 2010. - Amends TCA Title 33. Relative to mental health and developmental disabilities

Senate: Placed on State and Local Government calendar for 2/24/10

House: Referred to Health and Human Resources

SB 3514 Yager
HB 2987 *Brooks H

Administrative Procedure (UAPA) - As introduced, creates task force to review regulations governing residential and day provider agencies contracted by division of intellectual disabilities services. - Amends TCA Title 33, Chapter 5, Part 1.

Senate: Referred to Government Operations

House: Assigned to Health Care Facilities s/c of Health and Human Resources

SB 3729* Haynes
HB 3758 West

Mental Retardation - As introduced, requires notice be given of closure of state-owned residential facilities for persons with mental retardation or other developmental disabilities. - Amends TCA Title 33, Chapter 1, Part 3.

Senate: Referred to General Welfare

House: Assigned to Health Care Facilities s/c of Health and Human Resources

SB 3910 Kyle
HB 3783 Turner M

As introduced, revises certain fiscal impact assessment duties of the department and division of intellectual disabilities; revises provisions governing task force to conduct study of needs of persons with a developmental disability; revises other mental health and developmental disability provisions. AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 8; Title 12; Title 33; Title 37; Title 68 and Title 71, Relative to intellectual and developmental disabilities

Senate: Referred to General Welfare

House: Caption bill

HB 3337* Carr

Disabled Persons - As introduced, renames the "division of intellectual disabilities services" to the "division of developmental disabilities services." - Amends TCA Title 4; Title 12; Title 33; Title 63; Title 67 and Title 71.

House: Caption bill

EDUCATION

SB 311* Stewart, Finney L
HB 474 Harmon

Lottery, Scholarships and Programs - As introduced, allows a student with a documented medical disability that restricts the student's attendance to part-time to petition for an extension of time in which to receive a Tennessee HOPE scholarship. - Amends TCA Title 49, Chapter 4, Part 9.

Senate: Assigned to General s/c of Finance

House: Placed on Behind the Budget

Other Fiscal Impact – Increases the expenditure of lottery proceeds earmarked for scholarships and grants by \$16,000 in FY09-10 and by \$30,000 in FY10-11.

SB 852 Black
HB 830* Jones S

Children - As introduced, enacts the "Isolation and Restraint Modernization and Positive Behavioral Supports Act" and the "Mental Health Care Isolation and Restraint Modernization and Positive Behavioral Supports Act." - Amends TCA Title 33, Chapter 8 and Title 37, Chapter 5.

Senate: Assigned to General s/c of Education

House: Deferred in Public Health and Family Assistance s/c of Health and Human Resources to 2010

SB 2407 Burks
HB 2474* Winningham, Yokley

Education - As introduced, requires the state board of education, THEC, TBR, and the UT board of trustees to provide video streaming over the Internet of the board meetings of each entity. - Amends TCA Title 49.

Senate: Referred in Education

House: Assigned to Higher Education s/c of Education

SB 2408* Gresham, 9 co-sponsors
HB 2535 Harwell

Education - As introduced, terminates the select oversight committee on education and transfers its duties and responsibilities to the education committees of the senate and the house of representatives. - Amends TCA Section 3-15-207; Title 3, Chapter 15, Part 3; Section 41-21-238 and Title 49.

Senate: Education recommended, placed on Finance calendar for 2/23/10

House: Failed in Education

Fiscal Note: Decrease State Expenditures - \$25,200

SB 2505* Overbey
HB 3250 Ramsey

Education - As introduced, requires all public schools to have automated external defibrillators. - Amends TCA Title 49 and Title 68, Chapter 140, Part 7.

Senate: Referred to Education

House: Assigned to K-12 s/c of Education

<http://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=SB2505>

SB 2517 Johnson
HB 2538* Casada

Education - As introduced, allows the use of locked isolation rooms and physical restraint in certain situations involving students receiving special education and removes provision permitting certain school resource officers upon witnessing an offense by a student receiving special education to take the student into custody. - Amends TCA Title 49, Chapter 10, Part 13.

Senate: Referred to Education

House: Meeting cancelled, deferred in K-12 s/c of Education

SB 2789* Black, Gresham
HB 3499 Hensley

Education, State Board of - As introduced, requires all staff members at the Tennessee school for the blind, the Tennessee school for the deaf, and the West Tennessee school for the deaf to become certified in CPR and maintain such certification. **Amendment 1** requires that at least one person from each specified school get trained as a CPR trainer, and that trainer must train the rest of each school's faculty. - Amends TCA Title 49 and Title 68

Senate: Education recommended with amendments; referred to Finance
House: Caption bill

SB 2791* Black
HB 2957 Maggart

Education – As introduced, requires a percentage of student's final grade in a subject to be derived from the student's TCAP score. - Amends TCA Title 49, Chapter 1, Part 6 and Title 49, Chapter 6, Part 60.

Senate: Referred to Education
House: Assigned to K-12 s/c of Education

SB 2805 *Norris
HB 2939 Lollar

Education, Dept. of - As introduced, requires the department of education to notify electronically each LEA when the office of research and education accountability publishes a report pertaining to pre-K-12 education in order that the LEAs may disseminate the report to certificated staff. - Amends TCA Title 49. Caption bill

Senate: Referred to Education
House: Caption bill

SB 2889* Gresham
HB 3030 Brooks H

Education, Dept. of - As introduced, requires the department to submit a report concerning the standards for parental involvement in public schools that it has developed to the chairs of the senate and house education committees by November 1, 2010. - Amends TCA Title 49.

Senate: Referred to Education
House: Caption bill

SB 2936* Southerland
HB 3217 Hawk

Education - As introduced, the "Tennessee Electronic High School Act" establishes a program by which courses in grades nine through twelve are delivered over the Internet. Creates an electronic high school. - Amends TCA Title 49.

Senate: Referred to Education
House: Referred to Education, referred to Government Operations for review

SB 2939* Norris
HB 3519 DeBerry J

Education - As introduced, requires the commissioner of education in conjunction with the bureau of TennCare to develop a plan for securing federal reimbursements under the Medicaid Administrative Claim program and to report on such efforts. - Amends TCA Title 49 and Title 71.

Senate: Referred to Education
House: Caption bill

SB 2990 Berke
HB 2967* Hackworth, McDonald

Education - As introduced, requires an individualized disciplinary plan for each student in grades K-12. - Amends TCA Title 49, Chapter 6.

Senate: Referred to Education
House: Assigned to K-12 s/c of Education

SB 3054* Woodson
HB 3233 McCord

Education - As introduced, deletes a repetitive provision of the code that is already and more appropriately addressed elsewhere. - Amends TCA Title 49. Relative to K-12 education

Senate: Referred to Education
House: Assigned to K-12 s/c of Education

SB 3063 Woodson
HB 2419* Turner M

Students - As introduced, requires one hour of physical activity per instructional school day for elementary and secondary school students beginning no later than the 2011-2012 school year. - Amends TCA Title 49 and Title 68.

Senate: Referred to Education
House: Meeting cancelled; deferred in K-12 s/c of Education
Fiscal Note: Increase Local Expenditures – Not Significant

SB 3088 Burchett
HB 2996* DeBerry J

Education - As introduced, makes certain changes to the school start dates, administration of TCAP for non-proficient students, and the reporting of such results. - Amends TCA Title 49. Relative to K-12 education

Senate: Referred to Education
House: Placed on Education calendar for 2/24/10; Government Operations recommended

SB 3262* Berke
HB 3528 Maddox

Lottery, Scholarships and Programs - As introduced, establishes accounts for a lottery funded early intervention program; creates grant program to be administered by the department of education. - Amends amend TCA Title 4, Chapter 51 and Title 49, Chapter 6.

Senate: Referred to Education

House: Referred to Education; referred to Government Operations for review

SB 3272 Woodson
HB 3339* Brooks H

Education - As introduced, revises the appointment, authority, and duties of the select oversight committee on education. - Amends TCA Title 3, Chapter 15, Part 3.

Senate: Referred to Education
House: Referred to Education

SB 3275 Burks
HB 3414* Brown

Education - As introduced, requires semi-annual report of the commissioner of education on school disciplinary actions to be made to the select committee on children and youth as well as education oversight and the senate and house education committees. - Amends TCA Title 37 and Title 49. Relative to elementary and secondary education

Senate: Referred to Education
House: Caption bill

SB 3387* Marrero B
HB 3884 Kernell

Children - As introduced, requires LEAs to notify parents and guardians of disabled children of services available to such children. - Amends TCA Title 49. Relative to children with disabilities

Senate: Referred to Education
House: Taken off notice in K-12 s/c of Education
Fiscal Note: Increase Local Expenditures – Not Significant

SB 3449 Yager
HB 3149* Winningham

Education - As introduced, requires the department of education to notify the general assembly within 60 days of the consolidation of school systems. - Amends TCA Title 49.

Senate: Referred to Education
House: Caption bill

SB 3583 Ketron
HB 3161* Curtiss

Education - As introduced, allows any school resource officer who witnesses an offense by a student receiving special education to take the student into custody. - Amends TCA Title 49, Chapter 10, Part 13.

Senate: Placed on Education calendar for 2/24/10
House: Caption bill

SB 3836* Kyle
HB 3839 Turner M

Education - As introduced, authorizes LEAs to develop diagnostic assessments and screening procedures for students in early childhood programs as well as students in grades K-2. - Amends TCA Title 49, Chapter 6.

Senate: Referred to Education
House: Caption bill

SB 3875* Kyle
HB 3794 Turner M

Education - As introduced, changes the date by which the director of schools and the chair of the board of each LEA must certify to the commissioner that all children enrolled in that LEA have been furnished all required textbooks; and requires the "parent" instead of the "mother" of a child enrolled within a model teen learning center to participate in the center's program of child care and instruction. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 3 and Title 49, Chapter 5.

Senate: Referred to Education
House: Placed on K-12 s/c of Education calendar for 2/24/10

HJR 308* Bell

Assaults on personnel offering special education services. Directs the select oversight committee on education to review, study, and make any necessary recommendations relative to assaults on school personnel by special education students should be made to the Tennessee Congressional delegation prior to reauthorization of the IDEA (Individuals with Disabilities Education Act).

Senate: Deferred in Education to 2/3/10
House: Passed

ELECTION LAWS

SB 150* Ketron, Johnson, Beavers
HB 639 Maggart

Election Laws - As introduced, requires a voter to present qualified photographic identification before voting; voters without proper identification shall be allowed to cast provisional ballots. Amendments: Senate State & Local Government amendment 1 creates an exception for people in nursing homes. amendment 2 adds a 3 day time limit for county election commissions to count provisional ballots. amendment 3 allows a person who is indigent and cannot afford an ID or a person who has a religious objection to having his or her picture taken to vote on election day by executing an affidavit of identity. - Amends TCA Title 2, Chapter 7, Part 1.

Senate: Passed
House: Deferred in Elections s/c of State and Local Government to call of the chair
Fiscal Impact: Forgone State Revenue - \$332,500/One-Time; Increase State Expenditures – \$150,900/One-Time

SB 194 Bunch, Johnson
HB 270* Watson

Election Laws - As introduced, requires citizenship status to be proven prior to registration to vote and requires certain procedures to ensure identity and citizenship status prior to voting. House Amendment 1 clarifies that verification of citizenship will be noted on the new voter registration cards. States that new voter registration cards would be printed as

currently scheduled, not upon passage of this bill. - Amends TCA Title 2.

Senate: Assigned to General s/c of State and Local Government

House: Election s/c recommended if amended; placed on State and Local Government calendar for 2/23/10

Fiscal Note: Increase State Expenditures - \$37,200/One-Time

SB 872 Ketron

HB 614* Todd

Election Laws - Amendment #2 rewrites this bill to delay the implementation or application of the following present law provisions and requirements regarding voting systems until 2012; Amends TCA Title 2 and Chapter 1108 of the Public Acts of 2008.

Signed by Governor Public Chapter 612

SB 3190* Stewart

HB 3392 Cobb T

Election Laws - As introduced, requires state to purchase voter-verifiable paper ballot printers for any direct record electronic (DRE) voting machine in use in this state for the 2010 regular November election. - Amends TCA Title 2.

Senate: Referred to State and Local Government

House: Assigned to Elections of s/c of State and Local Government

SB 3334* Herron

HB 3692 Odom

Election Laws - As introduced, requires state to fund all expenses related to the implementation of the "Tennessee Voter Confidence Act." - Amends TCA Title 2, Chapter 20.

Senate: Referred to State and Local Government

House: Assigned to Elections of s/c of State and Local Government

GOVERNMENT REGULATION AND ORGANIZATION

SB 198* Bunch

HB 425 Bell

Administrative Procedure (UAPA) - As introduced, requires approval of the general assembly before a permanent rule becomes effective, repeals provisions authorizing emergency and public necessity rules. - Amends TCA Title 4, Chapter 5.

Senate: Deferred in Government Operations to 1/1/10

House: Referred to Government Operations

Fiscal Impact: Increase State Expenditures - \$257,700

SB 2479 Watson, Johnson

HB 2447* Lynn

Governor - As introduced, requires governor to submit legislation to revise TCA to reflect changes in governmental structure made by executive order. - Amends TCA Title 4.

Senate: Referred to State and Local Government

House: Caption bill

<http://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB2447>

SB 2615 McNally, Ketron

HB 2555* Fitzhugh

Caption bill - Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71. Relative to government endeavors

Senate: Referred to State and Local Government

House: Caption bill

SB 2616 McNally

HB 2556* Fitzhugh

Caption bill - Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71. Relative to the functions of governmental entities

Senate: Referred to Tax s/c of Finance

House: Caption bill

SB 2851 Watson

HB 2860* Lynn

Sunset Laws - As introduced, extends the state board of education, June 30, 2012. - Amends TCA Title 4, Chapter 29 and Title 49, Chapter 1, Part 3.

Senate: Referred to Government Operations

House: Referred to Government Operations

SB 2973 Black

HB 2878* Casada

Children - As introduced, abolishes select committee on children and youth. - Amends TCA Title 3, Chapter 15; Title 9, Chapter 4; Title 9, Chapter 5; Title 37; Title 39, Chapter 13; Title 49, Chapter 1, Part 2 and Title 68.

Senate: Assigned to General s/c of General Welfare

House: Assigned to Domestic Relations s/c of Children and Family Affairs

SB 3187 Watson, Ketron

HB 2879* Casada

TennCare - As introduced, abolishes the oversight committee on TennCare. - Amends TCA Title 3, Chapter 15; Section 37-3-115 and Title 71, Chapter 5.

Senate: Referred to General Welfare

House: Assigned to Industrial Impact s/c of Commerce

Fiscal Note: Decrease State Expenditures - \$185,600

SB 3385 Marrero B

HB 3475* Kernell

Administrative Procedure (UAPA) - As introduced, requires

a rule-making hearing be conducted for all permanent rules that were previously filed as emergency rules, unless the emergency rule was filed to avoid the loss of federal funds. - Amends TCA Title 4, Chapter 5, Part 2.

Senate: Referred to Government Operations
House: Referred to Government Operations

SB 3822 Johnson
HB 3613* Casada

Health Care - As introduced, abolishes the oversight committee on long-term care. - Amends TCA Title 71, Chapter 5.

Senate: Referred to General Welfare
House: Assigned to Health Care Facilities s/c of Health and Human Resources

SB 3880* Kyle
HB 3796 Turner M

State Government Caption bill- Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 11; Title 12; Title 13; Title 16; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 42; Title 43; Title 44; Title 45; Title 47; Title 48; Title 49; Title 50; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 61; Title 62; Title 63; Title 65; Title 66; Title 67; Title 68; Title 70 and Title 71. Relative to state government

Senate: Referred to State and Local Government
House: Caption bill

HEALTH CARE

SB 34* Marrero B
HB 297 Richardson

Mental Illness - As introduced, authorizes judicial commitment to mandatory outpatient treatment as an alternative to involuntary care and treatment in a hospital or treatment resource. **Amendment 2** rewrites this bill and requires the department of mental health and developmental disabilities to evaluate the possible use of mandatory outpatient treatment as an alternative to judicial commitment. This amendment requires the department to report the results of the evaluation to the senate general welfare, health and human resources committee and the house health and human resources committee by February 1, 2010.. Amends TCA Title 33, Chapter 6, Part 5.

Senate: Passed
House: Taken off notice in Budget s/c of Finance

SB 2639 Black
HB 2655* Maggart

Pharmacy, Pharmacists – As introduced, bill allows a prescriber to determine that the interchange of drug formulations, meaning the substitution of a generic version for a brand version, a brand version for a generic version, or a generic version for a generic version of a different manufacturer, is acceptable only if the prescriber is notified of the interchange to allow appropriate monitoring of the patient. In that event, the prescriber must place an

instruction on the prescription order that clearly requires notifying the prescriber of the interchange. The pharmacist must notify the prescriber of the interchange at the time the prescription is dispensed or prior to dispensing. Unless the pharmacist complies with this notification requirement, interchange is not permitted. Notification may be made verbally, and documented, or by fax or electronically. A notification that is clearly not transmitted successfully must be subsequently delivered verbally, and documented, no later than the prescriber's next business day. - Amends TCA Title 53, Chapter 10.

Senate: Placed on General Welfare calendar for 2/24/10
House: Referred to Professional Occupations s/c of Health and Human Resources

SB 2893 McNally
HB 2771* Hackworth, Shipley

Taxes, Sales - As introduced, exempts diabetic strips from sales and use taxes. - Amends TCA Title 56 and Title 67, Chapter 6, Part 3

Senate: Referred to Tax s/c of Finance
House: Assigned to Budget s/c of Finance

SB 3047 Overbey
HB 2901* Shepard

Taxes, Sales - As introduced, exempts diabetic testing equipment and supplies from sales tax. - Amends TCA Title 53, Chapter 10; Title 63, Chapter 10 and Title 67.

Senate: Referred to Tax s/c of Finance
House: Assigned to Budget s/c of Finance
Fiscal Note: Decrease State Revenue – Exceeds \$2,570,400; Decrease Local Revenue – Exceeds \$918,000

SB 3144* Black
HB 3368 Maggart

Health Care - As introduced, clarifies that registered nurses and licensed practical nurses can work with medication aides. - Amends TCA Title 63.

Senate: Reset on Senate Calendar for 2/25/10
House: Placed on Professional Occupations s/c of Health and Human Resources calendar for 2/23/10

SB 3211* Finney L
HB 3531 Maddox

Hospitals and Health Care Facilities - As introduced, requires the board for licensing health care facilities to consider the rights enacted for nursing home residents in developing rules for specific rights for adult care home residents. - Amends TCA Title 68, Chapter 11 and Title 56, Chapter 32.

Senate: Referred to General Welfare
House: Caption bill

SB 3823* Kyle
HB 3841 Turner M

Mental Illness - As introduced, decreases the time within which a physician must examine a person who is detained

in certain mental health treatment resources from "within six hours of arrival" to "within four hours of arrival." - Amends TCA Title 33. Relative to inpatient services

Senate: Referred to General Welfare
House: Caption bill

SB 3837* Kyle
HB 3846 Turner M

Health Care - As introduced, changes time in which enrollee or applicant information must be sent to TennCare bureau; revises provisions governing hospital statistical reports; requires notice to appropriate state facility prior to certain commitments. - Amends TCA Title 33; Title 56; Title 63; Title 68 and Title 71. Relative to healthcare

Senate: Referred to Commerce
House: Caption bill

SB 3853* Kyle
HB 3813 Turner M

Health Care - As introduced, revises the list of licenses a Level 2 adult care home provider serving residents with traumatic brain injury or a resident manager employed by the provider must hold to include a "licensed rehabilitation professional or licensed mental health professional" instead of a "respiratory therapist." - Amends TCA Section 68-11-209.

Senate: Placed on General Welfare calendar for 2/24/10
House: Professional Occupation s/c recommended; placed on Health and Human Resources calendar for 2/23/10

INSURANCE, Health
SB 1789* Herron, Ketron
HB 2105 Shepard

Insurance, Health, Accident - As introduced, revises the definition of "autism spectrum disorder" and the required insurance coverage of autism spectrum disorder. - Amends TCA Title 56, Chapter 7

Senate: Referred to Commerce
House: Placed on Industrial Impact s/c of Commerce calendar for 2/24/10
Fiscal Impact: Increase State Expenditures - \$22,344,800; Increase Local Expenditures – Exceeds \$100,000*; Increase Federal Expenditures - \$64,055,200.

SB 3095* Stewart
HB 3317 Matheny

Insurance, Health, Accident - As introduced, revises coverage requirements for autism spectrum disorders. - Amends TCA Title 56.

Senate: Referred to Commerce
House: Assigned to Industrial Impact s/c of Commerce

SB 3164* Tracy
HB 3717 Carr

Insurance, Health, Accident - As introduced, revises definition of "medicare supplement policy" to make such policy apply to insurance for persons who do not receive

Medicare due to disabilities and who are under age 65. - Amends TCA Title 56.

Senate: Deferred in Commerce to 3/9/10
House: Assigned to Industrial Impact s/c of Commerce

SB 3177 Kelsey
HB 2417* Ramsey, 12 co-sponsors

Insurance, Health, Accident - As introduced, enacts the Health-Care Choice Act. Authorizes foreign individual health insurers to offer individual and small employer health benefits plans to Tennessee residents as long as the plans are the same as those offered in the insurer's domiciliary state and the insurer obtains a certificate of authority from the Department of Commerce and Insurance. - Amends TCA Title 56.

Senate: Referred to Commerce
House: Referred to Commerce – Government Operations for review
Fiscal Note: Increase State Revenue - \$167,300; Increase State Expenditures - \$27,900/One-Time; \$613,400/Recurring

SB 3530 Overbey
HB 3059* Niceley

Insurance, Health, Accident - As introduced, requires health care plans to include or offer coverage for custom fabricated and fitted prosthetic devices; exempts TennCare. - Amends TCA Title 56.

Senate: Referred to Commerce
House: Assigned to Industrial Impact s/c of Commerce

SB 3825* Kyle
HB 3811 Turner M

Insurance, Health, Accident - As introduced, assigns the state employee staff responsible for the administration of group insurance for state officials and employees and activities regarding the state insurance committee, to the department of finance and administration; and adds the deputy commissioner of intellectual disabilities services as a member of the board of directors of Access Tennessee. - Amends TCA Title 8, Chapter 27 and Title 56. Relative to state health plans

Senate: Referred to State and Local Government
House: Passed 1st Consideration

JUDICIARY
SB 3775 Bunch
HB 3054* Watson

Courts - As introduced, requires courtroom security committee of each county to establish guidelines by October 1, 2010, for allowing guide dogs and other service dogs into courtrooms in that county. - Amends TCA Title 16, Chapter 2, Part 5.

Senate: Referred to Judiciary
House: Assigned to Civil Practice and Procedure s/c of Judiciary

PROFESSIONS AND LICENSURE

SB 2843 Stewart

HB 2823* Cobb T

Barbers – As introduced, No animals, except service animals and fish, shall be permitted in any barber shop. **Subcommittee amendment 1** prohibits animals to be in barber shops except for service animals and fish tanks for decorative purposes. – Amends TCA Title 62, Chapter 3, Part 1.

Senate: Placed on Commerce calendar for 2/23/20
House: Public Health and Family Assistance s/c recommended if amended; placed on Health and Human Resources calendar for 2/23/10

TAXES

SB 1791* Herron

HB 2230 Fitzhugh

Taxes, Gasoline, Petroleum Products - As introduced, exempts gasoline used by contractors of the division of mental retardation services from the gasoline tax under the governmental agency exemption. - Amends TCA Title 33 and Title 67.

Senate: Deferred in Tax s/c of Finance to next calendar
House: Deferred in Transportation to last calendar
Fiscal Note: (CORRECTED) Decrease State Revenue – \$201,600/Highway Fund

TENNCARE

SB 1788 Herron

HB 219* Fincher, Cobb T

TennCare - As introduced, requires the department of health to notify each member of the general assembly of any proposed TennCare program changes that will affect services currently provided to TennCare enrollees. **Amendment 1** deletes the language "commissioner of health" and instead substitutes "bureau of TennCare." and requires the bureau to notify each member of the general assembly via email or other type of electronic communication before the department makes a request for an amendment to a Medicaid Waiver. - Amends TCA Title 3 and Title 71.

Senate: Placed on General Welfare calendar for 2/24/10
House: Passed

SB 2960 Watson

HB 2930* Sargent

TennCare - As introduced, enacts the "TennCare Provider Recoupment Act." Constructs an audit system for TennCare providers that establishes the recovery of funds including a notice and appeals process. Creates a recoupment determination committee consisting of ten members from certain health care industries appointed to four-year terms. - Amends TCA Title 9, Chapter 8 and Title 71, Chapter 5.

Senate: Referred to General Welfare
House: Passed 1st Consideration

SB 2997 Gresham

HB 2707* Rich

TennCare –As introduced, requires Bureau of TennCare to establish a co-pay plan based upon a sliding scale for TennCare standard enrollees. - Amends TCA Title 71, Chapter 5.

Senate: Referred to General Welfare
House: Referred to Health and Human Resources; referred to Government Operations for review

SB 3018* Stewart

HB 3093 Fitzhugh

CoverTN - As introduced, requires the AccessTN plan to provide a special subsidy for persons disenrolled from medical assistance under TennCare following loss of eligibility for Supplemental Security Income (SSI); the special premium assistance subsidy shall be set each year in the general appropriations act. - Amends TCA Title 56 and Title 71.

Senate: Referred to Commerce
House: Assigned to Industrial Impact s/c of Commerce

SB 3117 Marrero

HB 2953* Turner M

TennCare - As introduced, codifies executive order placing the TennCare program in the department of finance and administration. - Amends TCA Title 71. Relative to TennCare

Senate: Referred to General Welfare

House: Caption bill

SB 3477* Jackson

HB 3769 Shepard

TennCare - As introduced, requires the commissioner of finance and administration to report to the select oversight committee on TennCare by January 31, 2011, concerning options for health care coverage for those dropped from TennCare due to ineligibility due to supplemental security income by January 31, 2011 - Amends TCA Title 50; Title 56 and Title 71.

Senate: Referred to Commerce

House: Caption bill

SB 3478* Jackson

HB 3719 Bass, Cobb T

TennCare - As introduced, makes private duty nursing services for certain quadriplegics a covered medical service under TennCare. - Amends TCA Title 71.

Senate: Placed on General Welfare calendar for 2/24/10
House: Placed on Public Health and Family Assistance s/c of Health and Human Resources calendar for 2/24/10
Fiscal Note: Increase State Expenditures - \$23,349,000

SB 3619 Watson

HB 3393* Hensley

TennCare - As introduced, makes physical therapy,

occupational therapy, and speech and language pathology services available as essential services under medical assistance on and after July 1, 2010. - Amends TCA Title 71.

Senate: Referred to General Welfare
House: Assigned to Public Health and Family Assistance s/c of Health and Human Resources
Fiscal Note: Increase State Expenditures – \$3,388,100;
Increase Federal Expenditures - \$6,512,800

SB 3827* Kyle
HB 3815 Turner M

TennCare - As introduced, reduces the time within which an enrollee or applicant for TennCare uninsured or uninsurable coverage must mail documentation of any change of information given to the bureau of TennCare from "30 days" to "10 days" after such change; and reduces the time a petition for appeal from an initial order of a state agency must be filed with the agency from "within 15 days" to "within 10 days" of entry of the initial order. - Amends TCA Title 3; Title 4; Title 56; Title 68 and Title 71. Relative to TennCare

Senate: Referred to Commerce
House: Caption bill

SB 3828* Kyle
HB 3814 Turner M

TennCare - As introduced, reduces the time within which an enrollee or applicant for TennCare uninsured or uninsurable coverage must mail documentation of any change of information given to the bureau of TennCare from "30 days" to "10 days" after such change; and requires the commissioner of health to consult the bureau of TennCare, in addition to the Tennessee Hospital Association, before requesting early completion of the report of hospital statistics. - Amends TCA Title 68 and Title 71. Relative to healthcare

Senate: Referred to General Welfare
House: Caption bill

TRANSPORTATION
SB 2562* Southerland
HB 2648 Tidwell

Motor Vehicles - As introduced, exempts from requirement to wear a helmet while riding a motorcycle nonresidents from states that do not require motorcycle helmets. - Amends TCA Section 55-9-302.

Senate: Referred to Transportation
House: Assigned to Public Safety s/c of Transportation

SB 2627* Faulk
HB 2792 Harrison

Disabled Persons - As introduced, extends the time period that a permanent disabled parking placard is valid from two to five years. Amendment increases cost of placard from \$3.00 to \$7.50. - Amends TCA Title 55, Chapter 21.

Senate: General Welfare recommended if amended,

referred to Calendar
House: Deferred in Rural Roads s/c of Transportation to Call of the Chair
Fiscal Note: Other Fiscal Impact - There will be a decrease in state revenue of approximately \$465,000 each year in FY10-11, FY11-12, and FY12-13. This decrease in revenue will continue beginning in FY15-16 and subsequent years at an average of \$279,000 per fiscal year. There will be a decrease in state expenditures of \$34,600 each year in FY10-11, FY11-12, and FY12-13. This decrease in expenditures will continue beginning in FY15-16 and subsequent years at an average of \$20,700 per fiscal year.

SB 2761* Ford, O.
HB 2912 Cooper B, DeBerry L
Special License Plates - As introduced, authorizes issuance of Down Syndrome awareness new specialty earmarked license plates; allocates 50 percent of funds derived from sale of such plates to The Down Syndrome Association of Memphis and the Mid-South. - Amends TCA Title 55, Chapter 4.

Senate: Placed on Transportation Consent calendar for 2/23/10
House: Placed on Public Safety s/c recommended; placed on Transportation calendar for 2/23/10
Fiscal Note: State Revenue – \$3,800/General Fund/One-Time/FY10-11; \$15,600/Down Syndrome Awareness/FY10-11; \$12,500/Tennessee Arts Commission/FY10-11; \$3,100/Highway Fund/FY10-11
\$17,500/Down Syndrome Awareness/FY11-12 and Subsequent Years; \$14,000/Tennessee Arts Commission/FY11-12 and Subsequent Years; \$3,500/Highway Fund/FY11-12 and Subsequent Years
Increase State Expenditures - \$3,800/One-Time/FY10-11

Federal Update -- Restraint and Seclusion

The House Committee on Education and Labor approved HR 4247, the "Preventing Harmful Restraint and Seclusion in Schools Act," on a bipartisan roll-call vote of 34-10 on January 28. During the committee markup, Chairman George Miller (D-CA) introduced an amendment in the nature of a substitute that largely maintained the language of the bill, but clarified the bill's application to private schools (only applies to private schools that receive, or serve students who receive, federal funding from the Department of Education) and homeschooling families.

Advocates continue to work to find cosponsors for Sen. Dodd's (D-CT) companion bill, S 2860. A date has not yet been set for markup in the Senate. AUCD's resource page, Abuse and Neglect under Public Policy, has been updated to include the text of the House bill as amended, AUCD's legislative summary of the bills, a report on a recent survey from TASH on the use of restraint and seclusion in schools, a "myths and realities" document and talking points for the legislation.

Continued on page 12

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The National Disability Rights Network (NDRN) released an update to its January 2009 report entitled *School is not Supposed to Hurt*. The new report highlights progress made to prevent and reduce restraint and seclusion in 2009 as a result of grassroots efforts, and the slow response of states despite the strong beginnings of federal efforts. The report also summarizes proposed laws, gives examples of continuing harm, and summarizes efforts in each state to reduce restraint and seclusion. NDRN is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) Systems and the Client Assistance Programs (CAP) for individuals with disabilities.

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Legislative Monitor Available Electronically

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