

Council on Developmental Disabilities Bill Report

SB176/HB201	Affordable Rental Property Act.
Sponsors	Sen. Gilmore, Brenda; Rep. Jernigan, Darren
Category	Taxes Property
Summary	Requires THDA to create an annual report researching the availability of affordable housing in each county. Requires THDA to work with the state board of equalization to create an application for those searching in counties with scarce affordable housing, establishing what is affordable property, along with creating a means of addressing the economic impact upon the owner.
Fiscal Note	(Dated March 14, 2019) Other Fiscal Impact A precise decrease in local government property tax revenue cannot reasonably be determined.
Senate Status	03/26/19 - Taken off notice in Senate State & Local Government Committee.
House Status	02/01/19 - Referred to House Property & Planning Subcommittee.
SB192/HB160	Voting at licensed nursing homes.
Sponsors	Sen. Robinson, Katrina; Rep. Thompson, Dwayne
Category	Campaigns & Lobbying
Summary	Specifies that institutions designated for elderly or disabled persons with qualified staff who regularly assess residents that are at least 35 percent frail can use the same voting methods as nursing homes.
Fiscal Note	(Dated February 22, 2019) NOT SIGNIFICANT
Senate Status	02/26/19 - Failed in Senate State & Local Government Committee.
House Status	02/27/19 - Taken off notice in House Elections & Campaign Finance Subcommittee.
SB270/HB210	Appropriations for an LEA with prekindergarten children with disabilities.
Sponsors	Sen. Kelsey, Brian; Rep. Leatherwood, Tom
Category	Education
Summary	Establishes that prekindergarten programs operated by an LEA for children with disabilities shall receive annual appropriations in concurrence with the commissioner of education recommending a funding amount per classroom.
Fiscal Note	(Dated April 2, 2019) Increase State Expenditures \$59,829,300 Increase Local Revenue \$59,829,300 Increase Local Expenditures \$59,829,300*
Senate Status	02/01/19 - Referred to Senate Education Committee.
House Status	01/14/20 - Referred to House Education Curriculum, Testing & Innovation Subcommittee.
SB273/HB267	Seizure education programs.
Sponsors	Sen. Massey, Becky; Rep. Staples, Rick
Category	Education
Summary	Encourages LEAs to provide an age-appropriate seizure education program in each public school to teach students about seizures and seizure disorders. Also encourages LEAs to follow the guidelines published by an organization dedicated to overcoming the challenges of living with epilepsy and finding cures for epilepsy, such as the Epilepsy Foundation of America, in creating a seizure education program. Encourages the state board of education to promulgate rules for the development and implementation of seizure education programs.
Fiscal Note	(Dated February 13, 2019) NOT SIGNIFICANT
Senate Status	03/27/19 - Failed in Senate Education Committee.
House Status	04/15/19 - House passed.
SB338/HB18	Participation in the individualized education account program.
Sponsors	Sen. Gresham, Dolores; Rep. Reedy, Jay
Category	Education
Summary	Adds students who were previously enrolled in and attended a nonpublic school or home school for the preceding school year to the category of students eligible for their parent to participate in the individualized education account program.
Fiscal Note	(Dated January 25, 2019) Increase State Revenue \$24,300/FY20-21/Department of Education \$48,700/FY21-22/Department of Education \$73,500/FY22-23/Department of Education Exceeds \$97,800/FY23-24 and Subsequent Years/Department of Education Increase State Expenditures Exceeds \$24,000/FY20-21 and Subsequent Years/Department of Education Other Fiscal Impact For

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local education agencies 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 (LEAs) to the participating entities is estimated as follows: \$405,700 in FY20-21; \$811,400 in FY21-22; \$1,224,500 in FY22-23; and amounts exceeding \$1,630,100 in FY23-24 and subsequent years.

Senate Status
House Status

02/04/19 - Referred to Senate Education Committee.
02/11/20 - Taken off notice in House Education Curriculum, Testing & Innovation Subcommittee.

SB416/HB385

Benefits for neurological disorders, including autism.

Sponsors
Category
Summary

Sen. Kyle, Sara; Rep. Hodges, Jason
Insurance Health
Requires the commissioner of commerce and insurance to conduct a study for the purpose of determining the amount of insurance policies that provide benefits for neurological disorders in this state. Specifies that the study must include the amount of claims for treatment of autism spectrum disorder within the insurance policies that provide benefits for neurological disorders. Requires the commissioner to submit a copy of the report to the insurance committee of the house and the commerce and labor committee of the senate no later than January 1, 2020.

Fiscal Note
Senate Status
House Status

(Dated February 9, 2019) NOT SIGNIFICANT
02/06/19 - Referred to Senate Commerce & Labor Committee.
03/11/20 - Taken off notice in House Life & Health Insurance Subcommittee.

SB462/HB313

Establishes certain minimum coverage requirements for health benefit plans.

Sponsors
Category
Summary

Sen. Yarbro, Jeff; Rep. Johnson, Gloria
Insurance Health
Requires that health benefit plans issued, entered into, or renewed on or after January 1, 2020, provide at a minimum coverage for certain items or services, immunizations, preventive care, and screenings.

Fiscal Note
Senate Status
House Status

(Dated February 27, 2019) NOT SIGNIFICANT
04/09/19 - Taken off notice in Senate Commerce & Labor Committee.
04/03/19 - Taken off notice in House Life & Health Insurance Subcommittee.

SB516/HB586

Residential housing at higher education institutions for students with intellectual disabilities.

Sponsors
Category
Summary

Sen. Massey, Becky; Rep. Staples, Rick
Education
Prohibits eligible postsecondary institutions, for purposes of proceeds from state lottery, from denying a student residential housing on the campus of, or in affiliation with, the eligible postsecondary institution solely because of the student's award of a Tennessee STEP UP scholarship.

Amendment
Summary

Senate amendment 1 (005780) clarifies an eligible postsecondary institution is not required to provide additional accommodations to a student that receives a Tennessee STEP UP scholarship beyond the requirements for admittance. Allows each eligible postsecondary institution to establish criteria for Tennessee STEP UP scholarship students to apply for residential housing on the campus of the institution.

Fiscal Note
Senate Status
House Status

(Dated February 18, 2019) NOT SIGNIFICANT
03/21/19 - Senate passed with amendment 1 (005780).
03/26/19 - House Higher Education Subcommittee deferred to summer study.

SB608/HB702

Reimbursement for qualifying home and community-based services received from non-contracted providers.

Sponsors
Category
Summary

Sen. Massey, Becky; Rep. Daniel, Martin
TennCare
Requires amendments to rules concerning home-based and community-based settings be consistent with an intent for services to be received in the most integrated setting appropriate to the person's needs. Authorizes the Bureau of TennCare to make to make eligible for consumer direction and reimbursement qualifying home-based and community-based services received from non-contracted providers when: services are provided by a state-licensed program or provider; services are provided in the most integrated setting appropriate to the individual's needs; services are comparable to those included in the home- and community-based CHOICES program; services align with the person-centered individualized support plan; and services do not exceed annual cost limits assigned to a CHOICES benefit group.

Fiscal Note

(Dated February 18, 2019) Increase State Expenditures Exceeds \$3,183,000

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Senate Status

02/07/19 - Referred to Senate Health & Welfare Committee.

House Status

02/20/19 - Taken off notice in House TennCare Subcommittee.

SB760/HB253

Requires LEAs provide dyslexic students specific interventions with trained teachers.

Sponsors

Sen. Yarbro, Jeff; Rep. Freeman, Bob

Category

Education

Summary

Requires LEAs provide dyslexic students with dyslexia-specific intervention provided by a teacher trained in dyslexia intervention, requires the department of education to employ at least one dyslexia specialist beginning with the 2019-2020 fiscal year.

Fiscal Note

(Dated March 3, 2019) Increase State Expenditures \$97,700/Recurring Increase Local Expenditures \$1,221,100/FY20-21* \$111,100/FY21-22 and Subsequent Years*

Senate Status

03/27/19 - Taken off notice in Senate Education Committee.

House Status

04/03/19 - Taken off notice in House Education K-12 Subcommittee.

SB863/HB1046

Violations regarding parking for persons with disabilities.

Sponsors

Sen. Reeves, Shane; Rep. Terry, Bryan

Category

Transportation Vehicles

Summary

Requests the department of revenue to conduct a study on the number of violations of Tennessee Code Annotated, Section 55-21-108 or an ordinance dealing with parking privileges for persons with disabilities and report its findings and any recommendations on or before February 1, 2020 regarding such study to the transportation committee of the house and the transportation and safety committee of the senate.

Fiscal Note

(Dated March 14, 2019) NOT SIGNIFICANT

Senate Status

02/11/19 - Referred to Senate Transportation & Safety Committee.

House Status

03/26/19 - Taken off notice in House Safety & Funding Subcommittee.

SB945/HB960

Medicaid Buy-in for Working People with Disabilities Act.

Sponsors

Sen. Kyle, Sara; Rep. Windle, John

Category

Welfare

Summary

Establishes that the department will submit an amendment to the medical assistance plan to permit the expansion of medical assistance eligibility for the purpose of implementing a Medicaid buy-in program for people with disabilities who are in the basic coverage group or medical improvement group. Defines the eligibility requirements and that there is no income or asset limitation for a participant in the Medicaid buy-in program. Authorizes the department to promulgate rules necessary to implement and administer the Medicaid buy-in program.

Fiscal Note

(Dated April 2, 2019) Increase State Expenditures \$9,801,500 Increase Federal Expenditures - \$18,506,000

Senate Status

02/11/19 - Referred to Senate Commerce & Labor Committee.

House Status

02/11/19 - Referred to House TennCare Subcommittee.

SB1070/HB1109

Study of healthcare access and status in certain areas.

Sponsors

Sen. Dickerson, Steven; Rep. Powell, Jason

Category

Health Care

Summary

Requires health commissioner study healthcare access and healthcare status of populations affected by the implementation of Chapter 1043 of the Public Acts of 2016. Broadly captioned.

Fiscal Note

(Dated March 26, 2019) NOT SIGNIFICANT

Senate Status

02/11/19 - Referred to Senate Commerce & Labor Committee.

House Status

02/11/19 - Caption bill held on House clerk's desk.

SB1300/HB1172

Creates Tennessee Office of Cooperative Disability Investigation.

Sponsors

Sen. Pody, Mark; Rep. Weaver, Terri

Category

Government Organization

Summary

Creates the temporary Tennessee Office of Cooperative Disability Investigation, attached to the office of the governor, for the purpose of saving taxpayer funds by investigating disability claims. Requires the organization will enter into a memorandum of understanding between the United States social security administration specifying all fiscal responsibilities needed to operate. Allows the organization the authority of investigations on claims, civil, and criminal fraud and abuse, cooperation with any other law enforcement and state agency, and refer matters to the appropriate

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enforcement authorities. Declares the powers invested in the organization including issuing subpoenas and petition to appear in court, production of employment records, and production of the complete patient record. Declares that the staff of the organization must include law enforcement officers and establishes the role of a special agent. Specifies that all records obtained will be treated as confidential investigative records.

Amendment
Summary

House State Committee amendment 1, Senate Government Operations Committee amendment 1 (016732) deletes all language after the enacting clause. Creates the Tennessee Office of Cooperative Disability Investigation (Division), which would be attached to the Department of Finance and Administration (F&A), and exist from July 1, 2020, through July 1, 2023. Requires the Division to have a staff of five persons and prohibits state funds from being used to fund or operate the Division.

Fiscal Note
Senate Status
House Status

(Dated March 26, 2019) NOT SIGNIFICANT
06/09/20 - Senate Judiciary Committee deferred to 12/01/20.
06/11/20 - House Calendar & Rules Committee deferred to last calendar.

SB1343/HB1038

Copy of employer's policy on a drug-free workplace provided to employee.

Sponsors
Category
Summary

Sen. Massey, Becky; Rep. Moody, Debra
Labor Law

Requires a covered employer under the drug-free workplace program to provide a written copy of the employer's policy on a drug-free workplace to an employee at the employee's request. Broadly captioned.

Amendment
Summary

Senate Commerce & Labor Committee amendment 1 (014899) deletes all language after the enacting clause. Creates the state as a model employer (SAME) program for individuals with disabilities to ensure that state agencies and departments have practices, and procedures in place related to the recruitment, hiring, advancement, and retention of qualified individuals with disabilities. Requires the Commissioner of the Department of Human Resources (DHR) to administer the program.

Fiscal Note
Senate Status
House Status

(Dated March 20, 2019) NOT SIGNIFICANT
03/10/20 - Senate Commerce & Labor Committee recommended with amendment 1 (014899). Sent to Senate Finance.
05/28/20 - Taken off notice in House Public Service & Employee Subcommittee.

SB1391/HB922

Sheriff's responsibility to transport persons with mental illness to treatment facilities.

Sponsors
Category
Summary

Sen. Bell, Mike; Rep. Russell, Lowell
Health Care

Removes sheriff's responsibility to transport a person with a mental illness or serious emotional disturbance for evaluation at and admission to a treatment facility. Requires a county mayor to designate an ambulance service provider in the county as the transportation agent for the county in times of health or emotional disturbances or problems. Declares that a transportation agent may seek reimbursement for the transportation services from the medical insurance of the transported, and if there is no medical insurance, to be reimbursed from the department of mental health and substance abuse services.

Fiscal Note

(Dated March 31, 2019) Increase State Expenditures Exceeds \$5,625,600 Increase Federal Expenditures Exceeds \$1,026,000 Decrease Local Expenditures Exceeds \$3,602,100

Senate Status
House Status

02/11/19 - Referred to Senate Judiciary Committee.
04/03/19 - Taken off notice in House Mental Health & Substance Abuse Subcommittee after adopting amendment 1 (006354).

SB1392/HB1040

Damages for intentional killing of service animal.

Sponsors
Category
Summary

Sen. Bell, Mike; Rep. Cochran, Mark
Animals & Animal Husbandry

Adds assistance animals to those for which a person may recover economic damages for the intentional or negligent killing.

Fiscal Note
Senate Status
House Status

(Dated February 26, 2019) NOT SIGNIFICANT
02/11/19 - Referred to Senate Judiciary Committee.
02/11/19 - Caption bill held on House clerk's desk.

SB1555/HB1714

Request for absentee ballot by online form.

Sponsors

Sen. Gilmore, Brenda; Rep. Hardaway, G.A.

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Category Campaigns & Lobbying
Summary Authorizes a voter to request an absentee ballot by an online form.
Fiscal Note (Dated March 6, 2020) NOT SIGNIFICANT
Senate Status 01/16/20 - Referred to Senate State & Local Government Committee.
House Status 03/11/20 - Taken off notice in House Elections & Campaign Finance Subcommittee.

SB1598/HB1565 Motorized wheelchair is not a motor vehicle for purposes of the rules of the road.

Sponsors Sen. Briggs, Richard; Rep. Jernigan, Darren
Category Transportation Vehicles
Summary Clarifies that a motorized wheelchair is not a motor vehicle for purposes of the rules of the road, accidents, and crimes involving motor vehicles. Broadly captioned.
Fiscal Note (Dated January 10, 2020) NOT SIGNIFICANT
Senate Status 06/03/20 - Senate Transportation & Safety Committee deferred to 12/01/20.
House Status 03/04/20 - House Transportation Committee recommended. Sent to House Calendar & Rules.

SB1612/HB1596 Creation of office of accessible transportation.

Sponsors Sen. Massey, Becky; Rep. Howell, Dan
Category Transportation General
Summary Requires the department of transportation to create the office for accessible transportation within the department to provide resources and expertise for expanding and improving accessible transportation in the state.
Amendment Summary Senate amendment 1 (014588) adds a short title to this bill, the "Tennessee Accessible Transportation and Mobility Act of 2020"; expands the office's name to the office of accessible transportation and mobility; specifies that the office will be under the direction of the commissioner of transportation; adds a requirement that government agencies coordinate with the department of transportation toward the goal of expanding and improving accessible transportation and mobility across Tennessee; changes the deadline for the office to produce its mission statement, five-year plan, and initial report from January 31, 2022, to March 31, 2021; and specifies that the office must make its reports to the chair of the transportation committee of the house of representatives, the chair of the transportation and safety committee of the senate, and the public.
Fiscal Note (Dated January 29, 2020) Increase State Revenue \$181,600/FY20-21 and Subsequent Years/ Office for Accessible Transportation Increase State Expenditures \$181,600/FY20-21 and Subsequent Years/ Office for Accessible Transportation Increase Federal Expenditures \$181,600/FY20-21 and Subsequent Years
Senate Status 02/27/20 - Senate passed with amendment 1 (014588).
House Status 03/12/20 - House passed.
Executive Status 03/24/20 - Enacted as Public Chapter 0600 effective March 20, 2020.

SB1637/HB2407 Allows IEP testing accommodations to be used for TCAP or EOC.

Sponsors Sen. Yager, Ken; Rep. Ragan, John
Category Education
Summary Allows testing accommodations in a student's individualized education program (IEP) to be used when taking Tennessee comprehensive assessment program (TCAP) or end-of-course (EOC) exams. Broadly captioned.
Amendment Summary Senate amendment 1 (013873) adds authorization for a student whose section 504 plan under the federal Rehabilitation Act of 1973, or individual learning plan (ILP) provides testing accommodations to use the same accommodations when taking an assessment under the TCAP or an end-of-course examination. This amendment clarifies that this bill only authorizes accommodations to the extent that the accommodation does not invalidate the assessment. House amendment 1 (015489) requires a student whose individualized education program or section 504 plan under the Rehabilitation Act of 1973 allows for testing accommodations be allowed to use the same testing accommodations while taking an assessment under the Tennessee comprehensive assessment program or an end-of-course assessment, required by the state board of education as long as the accommodation does not invalidate the assessment. Removes the reference to individual learning plans.
Fiscal Note (Dated February 3, 2020) Increase State Expenditures \$35,000/FY20-21 and Subsequent Years Increase Local Expenditures Exceeds \$1,000,000/FY20-21 and Subsequent Years*
Senate Status 03/12/20 - Senate concurred in House amendment 1 (015489).
House Status 03/05/20 - House passed with amendment 1 (015489).
Executive Status 03/25/20 - Enacted as Public Chapter 0601 effective March 20, 2020.

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SB1642/HB2075

Employing individuals with disabilities.

Sponsors
Category
Summary

Sen. Massey, Becky; Rep. Powers, Dennis
Welfare

Revises provisions regarding purchases of goods and services by governmental entities from persons with disabilities in order to assist those individuals to achieve maximum personal independence through competitive integrated employment opportunities. Eliminates the advisory committee for purchase from the blind and other severely disabled. Establishes the committee for providing competitive integrated employment for individuals with severe disabilities and specifies membership and duties of committee.

Amendment
Summary

Senate amendment 1 (014144) makes permissive this bill's requirement that every governmental entity that is supported in whole or in part by the general assembly purchase all services or commodities required by the governmental entity from the central nonprofit agency as long as commodities or services purchased by state governmental entities are certified pursuant to procedures approved by the procurement commission and are available, and commodities or services purchased by political subdivisions are certified by the chief financial officer of the political subdivision.

Fiscal Note

(Dated January 31, 2020) Other Fiscal Impact Due to multiple unknown factors, an exact fiscal impact on state and local government cannot be determined with reasonable certainty.

Senate Status

02/13/20 - Senate passed with amendment 1 (014144).

House Status

06/17/20 - House passed.

Executive Status

06/17/20 - Sent to the speakers for signatures.

SB1717/HB1552

Tax relief for disability accessibility improvements.

Sponsors
Category
Summary

Sen. Massey, Becky; Rep. Staples, Rick
Taxes Sales

Establishes a sales and use tax rebate of up to \$2,500 for certain homeowners who make eligible purchases of appliances, fixtures, and materials to improve disability accessibility in the homeowner's principal residence.

Fiscal Note

(Dated January 16, 2020) Increase State Expenditures \$8,667,400/FY20-21 \$5,791,500/FY21-22 and Subsequent Years

Senate Status

02/11/20 - Senate Finance Revenue Subcommittee returned to full committee with a negative recommendation.

House Status

01/15/20 - Referred to House Finance, Ways & Means Subcommittee.

SB1743/HB1556

Expands list of healthcare services covered by TennCare.

Sponsors
Category
Summary

Sen. Hensley, Joey; Rep. Cepicky, Scott
Welfare

Includes acupuncture, chiropractic, occupational therapy and physical therapy services to healthcare services covered by TennCare medical assistance.

Amendment
Summary

House Insurance Committee amendment 1 (015382) deletes all language after the enacting clause. Adds that the amount, duration and scope of services cannot be limited for a recipient who is undergoing active cancer treatment, palliative care treatment, receiving hospice care, diagnosed with sickle cell disease, being administered opioids at certain facilities, receiving treatment from or in collaboration with a pain management specialist, receiving treatment in an outpatient hospital that holds itself out to the public as a pain management clinic, diagnosed opioid use disorder and is receiving treatment from a healthcare practitioner or suffered a severe burn or major physical trauma and for whom sound medical judgment would determine that the risk of adverse effects from the pain exceeds the risk of the development of a substance use disorder or overdose event.

Fiscal Note

(Dated January 21, 2020) Increase State Expenditures - \$465,200/FY20-21 \$930,500/FY21-22 and Subsequent Years Increase Federal Expenditures - \$898,200/FY20-21 \$1,796,400/FY21-22 and Subsequent Years

Senate Status

03/11/20 - Senate Health & Welfare Committee deferred to next available calendar.

House Status

06/16/20 - Set for House Finance, Ways & Means Subcommittee Calendar 2 06/16/20.

SB1787/HB1550

Deletes the Tennessee Education Savings Account Pilot Program.

Sponsors
Category
Summary
Fiscal Note

Sen. Kyle, Sara; Rep. Mitchell, Bo
Education

Deletes the Tennessee Education Savings Account Pilot Program. Broadly captioned.

(Dated March 2, 2019) Decrease State Expenditures Exceeds \$1,000,000/FY19-20 \$41,880,100/FY20-21 and Subsequent Years Decrease Local Expenditures \$192,500/FY21-22 and Subsequent Years Passage of this legislation will prevent a shift in BEP funding amongst local education agencies estimated as follows: \$36,881,150 in FY21-22; \$55,321,725 in FY22-23;

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\$73,762,300 in FY23-24; \$92,202,875 in FY24-25; and \$110,643,450 in FY25-26 and subsequent years.

Senate Status 06/03/20 - Senate Education Committee deferred to 12/01/20.

House Status 05/26/20 - Failed in House Education Curriculum, Testing & Innovation Subcommittee for lack of second.

SB1795/HB2078 Hearing Enhancement Aid Reimbursement (HEAR) Act.

Sponsors Sen. Yarbro, Jeff; Rep. Hodges, Jason

Category Insurance Health

Summary Requires health insurance policies to provide for coverage for the purchase of a hearing aid for each deaf or hard of hearing ear for an individual covered by the policy. Requires the department of commerce and insurance to annually set and promulgate minimum coverage rates and coverage limits for adult and child hearing aids for each deaf or hard of hearing ear. Also requires the department to provide rates that allow for 100 percent coverage of reasonable and customary hearing aids.

Fiscal Note (Dated February 19, 2020) Increase State Expenditures - \$8,280,800/FY20-21 \$16,561,700/FY21-22 and Subsequent Years Increase Federal Expenditures - \$4,992,200/FY20-21 \$9,984,500/FY21-22 and Subsequent Years Increase Local Expenditures Exceeds \$167,500/FY20-21* Exceeds \$335,000/FY21-22 and Subsequent Years* Potential Impact on Health Insurance Premiums (required by Tennessee Code Annotated 3-2-111): Such legislation will result in an increase in the cost of health insurance premiums for hearing aids being provided by plans that do not currently offer these benefits at the proposed mandated levels. It is estimated that the increase to each individuals total premium will be less than one percent. A one percent increase in premium rates could range between \$50 (single coverage) and \$140 (family coverage) depending on the type of plan.

Senate Status 01/27/20 - Referred to Senate Commerce & Labor Committee.

House Status 02/05/20 - Referred to House Life & Health Insurance Subcommittee.

Executive Status 03/02/20 - Joint Council on Pensions and Insurance released to standing committees with unfavorable comment.

SB1892/HB1699 Requires a health insurance entity to cover telehealth services.

Sponsors Sen. Swann, Art; Rep. Smith, Robin

Category Insurance Health

Summary Requires a health insurance entity to cover telehealth services similarly to in person services. Prohibits a health insurance entity from denying coverage because the service provided classified as telemedicine and not an in person encounter and requires the health insurance entity to reimburse health care service providers without consideration for the patients geographic location and for out of network providers of telemedicine under the same policies used for out of network in person services. Broadly captioned.

Amendment Summary House amendment 3 (017355) revises various provisions of the bill as follows: (1) Adds that a health insurance entity must provide reimbursement for healthcare services, in addition to coverage for such services, provided during a telehealth encounter; (2) Clarifies that a health insurance entity is not required to pay the total reimbursement for a telehealth encounter except when reimbursing an originating site hosting a patient as part of a telehealth encounter an originating site fee in accordance with Centers for Medicare and Medicaid Services telehealth services and at an amount established by Centers for Medicare and Medicaid Services; (3) Adds that a health insurance entity must provide reimbursement for healthcare services provided during a provider-based telemedicine encounter as well as coverage. This amendment also clarifies that a health insurance entity is not required to submit a claim for reimbursement for provider-based telemedicine; (4) Adds that telehealth services and provider-based telemedicine apply to the basic health plans authorized under group insurance for public officers and employees; (5) Amends the locations where a patient may receive provider-based telemedicine from those listed in item (1) of the "provider-based telemedicine" section of the Bill Summary to "a location the patient deems appropriate to receive the healthcare service that is equipped to engage in telecommunication"; (6) Reduces the amount of time the patient must have had an in-person interaction with a healthcare services provider, practice group, or healthcare system from 24 months to 18 months; (7) Adds that provider-based telemedicine does not include remote patient monitoring or healthcare services provided pursuant to a contractual relationship between a health insurance entity and an entity that facilitates the delivery of provider-based telemedicine as the substantial portion of the entity's business; (8) Clarifies that remote patient monitoring services do not apply to a health incentive program operated by a health insurance entity that utilizes an electronic device for physiological monitoring; and (9) Changes this bill's effective date from July 1, 2021, to upon becoming a law. Senate amendment 3 (017336) deletes and rewrites all language after the enacting clause such that the only substantive changes

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are: Requires a health insurance entity to reimburse an originating site hosting a patient as part of a telehealth encounter an originating site fee in accordance with CMS telehealth services rule 42 C.F.R. Â§ 410.78 and at an amount established prior to the effective date of this Act by CMS. Requires reimbursement of expenses for covered healthcare services provided during a telehealth encounter, a provider-based telemedicine encounter, and remote patient monitoring services must be established through negotiations conducted by the health insurance entity with the healthcare services provider in the same manner as the health insurance entity establishes reimbursement of expenses for covered healthcare services that are delivered by in-person means. Tenn. Code Ann. Â§ 56-7-1003(6) defines "provider-based telemedicine" as the use of Health Insurance Portability and Accessibility Act (HIPAA) (42 U.S.C. Â§ 1320d et seq.) compliant real-time, interactive audio, video telecommunications, or electronic technology, or store-and-forward telemedicine services, used over the course of an interactive visit by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when certain criteria are met. States that it does not include an audio-only conversation; an electronic mail message or phone text message; a facsimile transmission; remote patient monitoring; or healthcare services provided pursuant to a contractual relationship between a health insurance entity and an entity that facilitates the delivery of provider based telemedicine as the substantial portion of the entity's business. Requires an in-person encounter between the healthcare service provider, the provider's practice group, or the healthcare system and the patient within 16 months prior to a telehealth encounter prior to the provider-based telemedicine service; Requires a health insurance entity to provide coverage and reimbursement for healthcare services provided during a provider-based telemedicine encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service; and Exempts a health incentive program operated by a health insurance entity that utilizes an electronic device for physiological monitoring from being considered remote patient monitoring services required to be covered if the same service is covered by Medicare. Defines "telehealth", "telemedicine" and "provider-based telemedicine" notwithstanding any restriction imposed by Tenn. Code Ann. Â§ 56-7-1002 or Â§ 56-7-1003, as the use of real-time audio, video, or other electronic media and telecommunication technology that enables interaction between a healthcare provider and a patient; or store-and-forward telemedicine services, as defined in Tenn. Code Ann. Â§ 56-7-1002, for the purpose of diagnosis, consultation, or treatment of a patient in another location where there may be no in-person exchange.

Fiscal Note (Dated February 7, 2020) Increase State Expenditures \$1,139,300/FY21-22 \$1,154,200/FY22-23 and Subsequent Years Increase Federal Expenditures \$2,170,600/FY21-22 and Subsequent Years Increase Local Expenditures Exceeds \$2,900/FY21-22* Exceeds \$5,900/FY22-23 and Subsequent Years*

Senate Status 06/17/20 - Senate appoints conference committee: Sen. F. Haile (R), Sen. J. Yarbro (D), Sen. P. Bailey (R).

House Status 06/19/20 - House adopted conference committee report.

Executive Status 02/24/20 - Joint Council on Pensions and Insurance released to standing committees with unfavorable comment after adopting amendment 1 (014849).

SB2200/HB2267

Report on mental health in schools.

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

Category Education

Summary Requires the department of education with the department of mental health and substance abuse services to annually report to the education committees of the senate and house of representatives regarding state-funded mental and behavioral health services and submit recommendations for improvement. Part of Administration Package.

Amendment Summary House Education K-12 Subcommittee amendment 1 (015733) deletes all language after the enacting clause and rewrites the bill, creating the "K-12 Mental Health Trust Fund Act." Establishes the K-12 mental health endowment fund administered by the state treasurer and consisting of the K-12 mental health endowment account and the K-12 mental health special reserve account. Requires the trust be funded in fiscal year 2020-2021 by an initial deposit, with 90% of the deposit being placed in the K-12 mental health endowment account and ten percent (10%) being placed in the K-12 mental health special reserve account. Requires the trustees and the department of education only expend funds for mental or behavior services or treatment for K-12 students, or for an assessment to review current mental and behavior health resources for K-12 students that are available in each county.

Fiscal Note (Dated February 9, 2020) NOT SIGNIFICANT

Senate Status 03/16/20 - Senate Education Committee deferred to next available calendar.

House Status 05/28/20 - Taken off notice in House Education Committee.

June 19, 2020
SB2437/HB2693

School discipline - civil immunity for teachers, principals, and school employees.

Sponsors Sen. Powers, Bill; Rep. Baum, Charlie
Category Education
Summary Gives teachers, principals, school employees, and school bus drivers authority to use reasonable force when necessary to correct or restrain a student or prevent bodily injury or death to another person with immunity from civil liability unless the person's conduct is the result of gross negligence or willful misconduct. Broadly captioned.

Amendment Summary House Judiciary Committee amendment 1 (017835) deletes and replaces all language after the enacting clause to: 1) add intentional harm as a disqualifier from civil liability immunity for a teacher, principal school employee, or school bus driver when exercising use of force as defined in Tenn. Code Ann. Â§ 49-6-4107; 2) establish that a person who is immune under this section is not the proximate cause of any resulting injuries; and 3) change the effective date from July 1, 2020, to October 1, 2020.

Fiscal Note (Dated February 21, 2020) NOT SIGNIFICANT
Senate Status 06/03/20 - Senate Education Committee deferred to 12/01/20.
House Status 06/11/20 - House Calendar & Rules Committee deferred to last calendar.

SB2466/HB2821

Appropriations- FY2019 and FY2020.

Sponsors Sen. Johnson, Jack; Rep. Lamberth, William
Category Public Finance
Summary Makes appropriations for the fiscal years beginning July 1, 2019, and July 1, 2020.
Amendment Summary House amendment 1 (014600) is the base budget. House amendment 2 (009000) is the stripper amendment and changes the rate of growth from 3.1 percent to 0.25 percent. House amendment 3 (016000) includes legislative initiatives. House amendment 13 (013200) makes a technical correction.

Senate Status 03/19/20 - Senate passed.
House Status 03/19/20 - House passed with amendment 1 (014600), amendment 2 (009000), amendment 3 (016000), and amendment 13 (013200).

Executive Status 04/06/20 - Enacted as Public Chapter 0651 effective July 1, 2020 (103 pages).

SB2526/HB2529

Amendment for TennCare II waiver.

Sponsors Sen. Briggs, Richard; Rep. Travis, Ron
Category TennCare
Summary Directs the governor, acting through the commissioner of finance and administration, to seek an appropriate amendment for the TennCare II waiver within 180 days of the effective date of this act to provide medical assistance coverage for the same population groups and services as the Insure Tennessee proposal while retaining any block grant financing arrangement and work and community engagement requirements. Requires authorization by the general assembly before any amendment takes effect.

Fiscal Note (Dated March 7, 2020) Increase State Revenue- \$24,520,400/FY20-21 \$54,915,300/FY21-22 \$30,678,900/FY22-23 Increase State Expenditures \$73,224,400/FY20-21 \$154,210,500/FY21-22 \$89,553,700/FY22-23 Increase Federal Expenditures \$548,722,100/FY20-21 \$1,217,331,300/FY21-22 \$683,475,000/FY22-23 Other Fiscal Impact It is unknown how approval of either Amendment 38 or 42 by the federal government will impact the estimated fiscal impact of this legislation and cannot be quantified at this time.

Senate Status 03/12/20 - Set for Senate Commerce & Labor Committee 03/17/20.
House Status 03/11/20 - Taken off notice in House TennCare Subcommittee.

SB2931/HB2922

Appropriations - FY 2019 and FY 2020.

Sponsors Sen. Johnson, Jack; Rep. Lamberth, William
Category Public Finance
Summary Makes appropriations for the purpose of defraying the expenses of certain legislative enactments passed during the 2019 session of the 111th General Assembly. Earmarks sufficient state funds for the purpose of funding any bill naming a highway or bridge in honor of a service member killed in action.

Senate Status 06/18/20 - Senate adopted conference committee report.
House Status 06/19/20 - House adopted conference committee report.
Executive Status 06/19/20 - Sent to the speakers for signatures.

June 19, 2020

HB1584

Issues special license plates identifying vehicles operated by individuals with certain disabilities or conditions.

Sponsors

Rep. Ogles, Brandon

Category

Transportation Vehicles

Summary

Authorizes department of revenue to issue special license plates identifying vehicles operated by persons with intellectual disabilities, developmental disabilities, or medical conditions that may impact their encounters with first responders.

House Status

01/15/20 - Referred to House Safety & Funding Subcommittee.

HJR807

POST certified training on interacting with individuals with autism and autism spectrum disorder.

Sponsors

Rep. Doggett, Clay

Category

Criminal Law

Summary

Urges POST Commission to include POST certified training on interacting with individuals with autism and autism spectrum disorder in its 2020 law enforcement course offerings.

Fiscal Note

(Dated February 13, 2020) NOT SIGNIFICANT

House Status

03/16/20 - House adopted.