AGRICULTURE

SB357/HB844 Regulatory authority over hemp production.


Summary: Requires the commissioner of agriculture to submit a plan to the federal government for Tennessee to have primary regulatory authority over hemp production in Tennessee, declaring the administrative framework for the plan. Defines how to obtain licensing to grow hemp, the definition of hemp, violation charges, amongst other administrative functions. Broadly captioned.

Amendment

Summary: Senate Energy, Agriculture & Natural Resources Committee amendment 1 (004531) deletes and replaces all language after the enacting clause such that the only substantive changes are: requiring the Commissioner of DOA to promulgate certain rules relative to applicant requirements for obtaining a growing license and for administering the program; creating a Class A misdemeanor for any persons in violation of the provisions of this legislation; and changing the effective date to upon this act becoming a law.

Senate Status: 02/21/19 - Set for Senate Floor 02/25/19.
House Status: 02/21/19 - Set for House Agriculture & Natural Resources Subcommittee 02/26/19.

COMMERCIAL LAW

SB352/HB352 Consumer protection - claims related to medical devices and pharmaceuticals.


Summary: Prohibits failure to disclose at the beginning of any legal advertisement or display in a conspicuous location that the advertisement is paid advertisement for legal services, presentation of legal advertisements as a "medical alert," "public service announcement," or other similar language, display of federal logos, use the word "recall" to refer to a product that has not been recalled, failure to identify the person, attorney or law firm responsible for the advertisement. Requires legal advertisements soliciting clients alleging injury from an approved prescription drug cleared by the food and drug administration to include warnings and disclose that the drug or medical device remains approved by the United States food and drug administration. Prohibits transfer of protected health information for the purpose of soliciting an legal services without authorization. Creates penalties for violations, authorizes enforcement by the attorney general.

Fiscal Note: (Dated February 14, 2019) NOT SIGNIFICANT

Senate Status: 02/21/19 - Set for Senate Floor 02/25/19.
House Status: 02/05/19 - Referred to House Consumer Subcommittee.
SB366/HB425  Extends deadline for lessees of certain corporations to file reports listing leased properties.


Summary: Extends the deadline to December 1 each year for a lessee or sublessee of a health, educational, and housing facility corporation to file a report listing leased properties and details of the lease and payment in lieu of tax (PILOT) agreements.

Fiscal Note: (Dated February 11, 2019) NOT SIGNIFICANT

Senate Status: 02/04/19 - Referred to Senate State & Local Government Committee.

House Status: 02/06/19 - Referred to House Finance, Ways & Means Subcommittee.


Summary: Transfers responsibilities concerning the Tennessee Consumer Protection Act of 1977 from the department of commerce and insurance to the attorney general and reporter.

Senate Status: 02/07/19 - Referred to Senate Commerce & Labor Committee.

House Status: 02/11/19 - Referred to House Consumer Subcommittee.

CRIMINAL LAW

SB280/HB764  Increase age restrictions for tobacco and vapor-related products.


Summary: Increases age restrictions for tobacco and vapor-related products from 18 years of age to 21 years of age.

Senate Status: 02/21/19 - Set for Senate Commerce & Labor Committee 02/26/19.

House Status: 02/11/19 - Referred to House Public Health Subcommittee.

SB301/HB1456  Prohibits smoking and vaping in cars when a child in a safety seat is present.


Summary: Prohibits smoking and vaping in a motor vehicle when a child who is secured in a child safety seat or required to be secured in a child safety seat is present in the vehicle.

Fiscal Note: (Dated February 12, 2019) On February 5, 2019, a fiscal note was issued for this bill. The fiscal note is being corrected because a commerce impact statement was erroneously omitted. The estimated fiscal impact for the legislation remains unchanged. NOT SIGNIFICANT

Senate Status: 02/21/19 - Set for Senate Commerce & Labor Committee 02/26/19.

House Status: 02/13/19 - Referred to House Public Health Subcommittee.

SB360/HB1284  Use of hemp products by minors.


Summary: Expands the Prevention of Youth Access to Tobacco and Vapor Products Act to apply to hemp for smoking.

Senate Status: 02/21/19 - Set for Senate Commerce & Labor Committee 02/26/19.

House Status: 02/13/19 - Referred to House Public Health Subcommittee.
SB619/HB800  Carrying of handgun by firefighter or emergency medical technician.
Summary: Permits any person employed in emergency management or as a firefighter or emergency medical technician to carry a handgun while engaged in the performance of the person's official duties. Requires such person to successfully complete a firearm training program of at least eight hours duration on an annual basis.
Senate Status: 02/07/19 - Referred to Senate Judiciary Committee.
House Status: 02/11/19 - Referred to House Constitutional Protections & Sentencing Subcommittee.

SB738/HB1419  Raises minimum age to purchase tobacco or vape products.
Summary: Increases the minimum age from 18 to 21 to purchase any tobacco or vapor products. Creates a Class C misdemeanor offense of selling or distributing any flavored electronic cigarettes. Creates a rebuttable presumption that an electronic cigarette is flavored if a manufacturer or any of the manufacturer's agents or employees has made a statement or claim directed to consumers or to the public that the electronic cigarette has or produces a characterizing flavor, including, but not limited to, text, color, or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the electronic cigarette has a characterizing flavor. Increases the tax rate on cigarettes by 1.25 cents per cigarette.
Senate Status: 02/21/19 - Set for Senate Commerce & Labor Committee 02/26/19.
House Status: 02/13/19 - Referred to House Public Health Subcommittee.

SB798/HB942  Drug offenses involving fentanyl.
Summary: Creates the penalty of a Class B felony for possession of 15 grams or more, or a Class A felony for 150 grams or more of fentanyl, carfentanil, remifentanil, alfentanil, thiafentanil, or any fentanyl derivative or analogue.
Senate Status: 02/07/19 - Referred to Senate Judiciary Committee.
House Status: 02/11/19 - Referred to House Criminal Justice Subcommittee.

SB810/HB843  Prescription of certain Scheduled controlled substances.
Sponsors: Sen. Reeves, Shane, Rep. Sexton, Cameron
Summary: Requires all pharmacy dispensing software vendors operating in the state, by January 1, 2020, to update their dispensing software systems to allow for partial filling of controlled substances and to submit documentation of compliance to the board of pharmacy. Allows the board of pharmacy to take disciplinary action against pharmacy dispensing vendors for non-compliance, but immunity is given for a pharmacist acting in good faith in the partial filling of controlled substances even if the pharmacy is non-compliant.
Fiscal Note: (Dated February 15, 2019) NOT SIGNIFICANT
Senate Status: 02/07/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/20/19 - House Mental Health & Substance Abuse Subcommittee recommended. Sent to full committee.

SB849/HB1459  Raises age to access or use tobacco and vape products.
Sponsors: Sen. Hensley, Joey, Rep. Gant, Ron
Summary: Raises the age to access or use tobacco and vapor products from 18 to 21 years of age.
Senate Status: 02/21/19 - Set for Senate Commerce & Labor Committee 02/26/19.
House Status: 02/21/19 - Set for House Public Health Subcommittee 02/27/19.
SB932/HB1335  Local regulation of products containing nicotine.
Summary: Authorizes any municipality, county, airport authority, or certain utility districts to regulate the use of tobacco products in public places, places of employment, and parks. Specifies that a regulation implemented pursuant to this bill by a local government entity shall not be less restrictive than that required by state law.
Senate Status: 02/21/19 - Set for Senate Commerce & Labor Committee 02/26/19.
House Status: 02/13/19 - Referred to House Cities & Counties Subcommittee.

SB1200/HB1454 Raises age limit of persons allowed to use tobacco and vape products.
Sponsors: Sen. Reeves, Shane, Rep. Ramsey, Bob
Summary: Increases age of persons allowed to use tobacco and vapor products from 18 years of age to 21 years of age.
Senate Status: 02/21/19 - Set for Senate Commerce & Labor Committee 02/26/19.
House Status: 02/13/19 - Referred to House Public Health Subcommittee.

SB1257/HB1029 Human Life Protection Act.
Summary: Declares abortion in the state of Tennessee to be an illegal act and the performance of an abortion resulting in a Class C felony. Establishes exceptions to this rule only in the event that a licensed physician determines that the abortion was necessary to prevent the death of a pregnant woman or cause substantial and irreversible damage to the pregnant woman, where neither the woman nor physician will be prosecuted. Specifies that the act would only go into effect in the case of the United States Supreme court overturning Roe v. Wade, as modified by Planned Parenthood of Southeastern Pennsylvania v. Case, or by adoption of an amendment to the United States Constitution which restores the authority to prohibit abortion to the states.
Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.
House Status: 02/20/19 - Taken off notice in House Public Health Subcommittee.

SB1306/HB78 Increases fine for failing to report abortion requests on minors.
Summary: Increases the fine on physicians who fail to report illegal abortions on children younger than 13 from $500 to $1,000 for the first offense and from $1,000 to $1,500 for the second offense.
Fiscal Note: (Dated February 2, 2019) NOT SIGNIFICANT
Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.
House Status: 01/30/19 - Referred to House Public Health Subcommittee.

SB1368/HB705 Aggravating circumstance for imposition of death penalty - fentanyl.
Summary: Adds the sale or distribution of a substance containing fentanyl, carfentanil, or any opiate with the intent and premeditation to commit murder as an aggravating circumstance for the imposition of the death penalty or imprisonment for life without the possibility of parole. Broadly captioned.
ECONOMIC DEVELOPMENT

SB660/HB755 Study on recruitment of companies that focus on development of biotechnology and stem cell therapies.

Sponsors: Sen. Watson, Bo, Rep. Smith, Robin

Summary: Requests the department of economic and community development to study the recruitment of companies that focus on the development of biotechnology and stem cell therapies, research, and development. If such study is conducted, requires the department to report its findings and recommendations on or before February 1, 2020, to the commerce and labor committee of the senate and the commerce committee of the house.

Senate Status: 02/07/19 - Referred to Senate Commerce & Labor Committee.
House Status: 02/11/19 - Referred to House Department & Agencies Subcommittee.

EDUCATION

SB1187/HB769 Annual report on self-administered medications and healthcare procedures.


Summary: Changes from October 31 to October 1 the date by which the departments of education and health are required to jointly compile an annual report to the governor and the general assembly of self-administered medications and healthcare procedures. Broadly captioned.

Senate Status: 02/11/19 - Referred to Senate Education Committee.
House Status: 02/07/19 - Caption bill held on House clerk's desk.

ENVIRONMENT & NATURE

SB811/HB845 Regulatory oversight regarding effluents when federal government lacks funds.


Summary: Requires state assume regulatory oversight over effluents during periods when the federal government lacks adequate funds to exercise such responsibilities.

Senate Status: 02/07/19 - Referred to Senate Energy, Agriculture & Natural Resources Committee.
House Status: 02/11/19 - Referred to House Agriculture & Natural Resources Subcommittee.

GOVERNMENT CONTRACTS

SB1228/HB1254 Discrimination on the basis of second amendment-related activity.

Summary: Prohibits the state or any executive branch state agency from entering into a contract for goods or services or awarding grants or tax subsidies to a business entity that engages in discrimination on the basis of second amendment-related activity.

Senate Status: 02/11/19 - Referred to Senate State & Local Government Committee.
House Status: 02/13/19 - Referred to House Department & Agencies Subcommittee.

GOVERNMENT ORGANIZATION

SB125/HB457  
Sunset - department of health.
Summary: Extends the department of health to June 30, 2023.
Fiscal Note: (Dated January 26, 2019) NOT SIGNIFICANT
Senate Status: 02/21/19 - Senate passed.
House Status: 02/19/19 - Set for House Government Operations Committee 02/25/19.

SB160/HB491  
Sunset - board of medical examiners.
Summary: Reduces the sunset termination date for the board of medical examiners from June 30, 2020 to June 30, 2019.
Fiscal Note: (Dated January 28, 2019) NOT SIGNIFICANT
Senate Status: 01/30/19 - Referred to Senate Government Operations Committee.
House Status: 02/06/19 - Referred to House Government Operations Committee.

HEALTH CARE

SB39/HB222  
Release of medical records by healthcare provider.
Summary: Increases from ten working days to 20 working days the amount of time a healthcare provider has to furnish a copy of a patient's medical records to the patient or the patient's personal representative following a written request for the records from the patient or the patient's personal representative. Broadly captioned.
Fiscal Note: (Dated January 16, 2019) NOT SIGNIFICANT
Senate Status: 01/19/19 - Referred to Senate Commerce & Labor Committee.
House Status: 01/31/19 - Caption bill held on House clerk's desk.

SB202  
Controlled substances to be dispensed in a lockable vial.
Sponsors: Sen. Briggs, Richard
Summary: Requires Schedule II opioids, Schedule II stimulants, and Schedule IV benzodiazepines that are prescribed or dispensed with more than three days of medication to be dispensed in a lockable vial. Provides exceptions to the controlled substance being dispensed in a lockable vial if the user has physical limitations that would prevent the person from opening the lockable vial or if the prescription is dispensed in an institutional healthcare setting or long-term care setting. Permits the board of pharmacy to promulgate rules to establish additional exceptions.
Senate Status: 01/29/19 - Withdrawn in Senate.
SB317/HB199  Clarifies nurse's permission to determine patient emergency conditions.
Sponsors:  Sen. Reeves, Shane , Rep. Vaughan, Kevin
Summary:  Clarifies that nurses are permitted to make determinations that patients are experiencing emergency medical conditions when working with a physician and in accordance with hospital protocol.
Amendment Summary:  House Facilities, Licensure & Regulations Subcommittee amendment 1 (004150) makes the bill and adds the definition of an emergency medical condition as a condition manifesting itself by acute symptoms of severity. Specifies certain criteria for a pregnant woman having contractions to be considered an emergency medical condition.
Fiscal Note:  (Dated February 2, 2019) NOT SIGNIFICANT
Senate Status:  02/21/19 - Set for Senate Health & Welfare Committee 02/27/19.
House Status:  02/21/19 - Set for House Health Committee 02/26/19.

SB343/HB534  Decreases the time period a health insurance entity paid a claim and may recoup reimbursement.
Sponsors:  Sen. Watson, Bo , Rep. Hill, Timothy
Summary:  Decreases the time period after the date that a health insurance entity paid a claim submitted by the healthcare provider by which a health insurance entity may recoup reimbursements to the provider, other than in cases of fraud committed by the healthcare provider from 18 to 12 months.
Fiscal Note:  (Dated February 11, 2019) NOT SIGNIFICANT
Senate Status:  02/04/19 - Referred to Senate Commerce & Labor Committee.
House Status:  02/07/19 - Caption bill held on House clerk's desk.

SB367/HB341  Time frame for providing patient's requested medical records.
Summary:  Increases the time for a healthcare provider to furnish to a patient a copy or summary of the patient's medical records upon request in writing by the patient from 10 to 20 days. Broadly captioned.
Fiscal Note:  (Dated February 2, 2019) NOT SIGNIFICANT
Senate Status:  02/04/19 - Referred to Senate Health & Welfare Committee.
House Status:  02/04/19 - Caption bill held on House clerk's desk.

SB385/HB390  Study on the feasibility of promoting and implementing medical interoperability.
Summary:  Requires the department of health to study the feasibility of promoting and implementing medical interoperability in this state. Requires the department to report on its findings and recommendations, along with any legislative or executive actions needed, no later than December 31, 2019.
Senate Status:  02/06/19 - Referred to Senate Health & Welfare Committee.
House Status:  02/06/19 - Referred to House Public Health Subcommittee.

SB475/HB364  Dispensing of certain controlled substances in a lockable vial.
Summary: Requires a Schedule II opioid, Schedule II stimulant, or Schedule IV benzodiazepine that is prescribed or dispensed with more than three days of medication to be dispensed in a lockable vial. Specifies when the prescription is dispensed in an institutional healthcare setting or long-term care setting, or the drug will be administered to the ultimate user by a healthcare professional that such drug does not have to be dispensed in a lockable vial.

Senate Status: 02/07/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/21/19 - Set for House Mental Health & Substance Abuse Subcommittee 02/27/19.

SB486/HB637 Tennessee Medical Cannabis Act.
Summary: Authorizes access to medical cannabis on a regulated basis for patients with qualifying medical conditions. Licenses and regulates the processes for cultivation, production, distribution, transport, selling, and acquiring cannabis for medical use and research, with cancer, epilepsy, and HIV/AIDS among the classified qualifying conditions for medical marijuana. Prohibits a person from acquiring, possessing, or using medical cannabis without a valid cannabis card. Specifies that to obtain a medical cannabis card, a patient must be 18 years old, provide proof of residency, complete a written form, pay the $65 application fee, and submit a document of recommendation from a healthcare professional or provide medical records of the diagnosis. Requires that the department of agriculture and law enforcement have access to all patient registry, and the cards will have an expiration date of two years. Establishes the medical cannabis commission for regulation of cannabis-related health care. Outlines commission role as well as qualifications for members, allowing them to issue cannabis cards by 2020. Requires commission to make information available online and to track seed-to-sale transactions. Declares a maximum of 12 urban omni licenses available in Tennessee, with a maximum of three of these in Knox, Shelby, Hamilton, or Davidson counties. Establishes a maximum of 12 RUVI licenses available in the state and the rules of operation. Defines the process of legalizing medical marijuana in your county by a two-thirds legislative vote, and the taxation of each licensure in the state (29 pp).

Senate Status: 02/07/19 - Referred to Senate Judiciary Committee.
House Status: 02/13/19 - Referred to House Mental Health & Substance Abuse Subcommittee.

SB528/HB1125 Outdated provision on infections taskforce.
Summary: Deletes provision of code referencing the infections taskforce whose progress reports were due to the general assembly in 2008, 2009, and 2010.
Fiscal Note: (Dated February 10, 2019) NOT SIGNIFICANT
Senate Status: 02/07/19 - Referred to Senate Commerce & Labor Committee.
House Status: 02/11/19 - House sponsor changed from Robin Smith to Mark Cochran.

SB767/HB765 Prescribers of buprenorphine products.
Summary: Permits a prescriber who is not a patient's obstetrical or gynecological provider to prescribe buprenorphine products to certain patients if the prescriber is a member of the same specialty practice group as the patient's obstetrical or gynecological provider.

Senate Status: 02/07/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/11/19 - Referred to House Mental Health & Substance Abuse Subcommittee.

SB905/HB721 TACIR study regarding inspection, testing, and quarantine of property where fentanyl found.
Summary: Directs TACIR to conduct a study regarding the inspection, testing, and quarantine of property where fentanyl or its analogues are found in this state and report the findings to the health committees by January 1, 2020. Requires all appropriate state department and agencies to provide assistance to TACIR in connection with the study.

Fiscal Note: (Dated February 13, 2019) NOT SIGNIFICANT

Senate Status: 02/11/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/11/19 - Referred to House Mental Health & Substance Abuse Subcommittee.

Summary: Requires the commissioner of health to examine changes in prices for essential generic drugs in prescription drug programs operated by state government for the period of the last five fiscal years. Requires the commissioner of commerce and insurance to examine issues relating to requiring price transparency in prescription drug pricing. Both reports must be presented on or before January 15, 2020, with recommendations to legislation,

Senate Status: 02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status: 02/11/19 - Referred to House Mental Health & Substance Abuse Subcommittee.

SB972/HB1135 Review of charts for practice site visits at a community mental health center.
Summary: Allows physicians assistants authorized to prescribe drugs and advanced practice registered nurses with a certificate of fitness to arrange for the required personal review of the advanced practice registered charts by a collaborating physician in the office, practice site, or a remote site. Authorizes HIPAA-compliant electronic means rather than at the site of the clinic as an option of collaborating physicians by both means as well. Specifies both the physicians assistant and the advanced practice registered nurse must provide services in a community mental health center to be eligible to arrange for the required personal review.

Senate Status: 02/21/19 - Set for Senate Health & Welfare Committee 02/27/19.
House Status: 02/13/19 - Referred to House Facilities, Licensure & Regulations Subcommittee.

SB1023/HB1457 Deletion - obsolete health department recommendations.
Sponsors: Sen. Reeves, Shane , Rep. Ramsey, Bob
Summary: Deletes an obsolete provision for the health department to make certain recommendations by January 10, 2010. Broadly captioned.

Fiscal Note: (Dated February 10, 2019) NOT SIGNIFICANT

Senate Status: 02/11/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/11/19 - Caption bill held on House clerk's desk.

SB1070/HB1109 Study of healthcare access and status in certain areas.
Sponsors: Sen. Dickerson, Steven , Rep. Powell, Jason
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.

Senate Status: 02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status: 02/11/19 - Caption bill held on House clerk's desk.
SB1081/HB752 Recipient of organ transplant can examine genetic records of donor.

Sponsors: Sen. Dickerson, Steven, Rep. Smith, Robin
Summary: Permits the recipient of an organ transplant and referral hospital to examine all genetic records of the donor or prospective donor unless prohibited by law.
Senate Status: 02/11/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/07/19 - Caption bill held on House clerk's desk.

SB1091/HB573 Forms for unlawful attempts to gain controlled substances.

Summary: Eliminates deadline for the controlled substance database advisory committee to develop a form that health care providers can use to make reports which had formerly been no later than August 1, 2010. Broadly captioned.
Fiscal Note: (Dated February 10, 2019) NOT SIGNIFICANT
Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.
House Status: 02/07/19 - Caption bill held on House clerk's desk.

SB1121/HB1341 Meetings to allow public discussion of new developments in the practice of polysomnography.

Summary: Deletes an obsolete provision requiring the polysomnographic professional standards committee to conduct a meeting each year between 2007 and 2010 to allow public discussion of polysomnography. Broadly captioned.
Fiscal Note: (Dated February 8, 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.

SB1123/HB1129 Written list of TANF and medicaid options.

Summary: Changes the annual date by which the departments of health and human services must jointly provide to the appropriate committees of the senate and the house of representatives a written list of available state and federal options under medicaid and temporary assistance for needy families from December 31 to December 15.
Senate Status: 02/11/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/11/19 - Caption bill held on House clerk's desk.

SB1208/HB685 Requires report on incidence of sudden infant death syndrome.

Summary: Requires the commissioner of health to report to the senate health and welfare committee and the health committee of the house of representatives concerning the incidence of sudden infant death syndrome and any other unexplained causes of infant and child death in the state since the passage of the Sudden, Unexplained Child Death Act. Broadly captioned.
Fiscal Note: (Dated February 7, 2019) NOT SIGNIFICANT
Senate Status: 02/11/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/07/19 - Caption bill held on House clerk's desk.
SB1211/HB339  **Penalty for those without a valid certificate of need.**

**Sponsors:**  Sen. Crowe, Rusty , Rep. Helton, Esther

**Summary:**  Increases to $1,000 from $500 the maximum amount of civil penalty that may be imposed on a person who performs, offers to perform, or holds such person out as performing any activity for which a certificate of need is required without first obtaining a valid certificate of need.

**Fiscal Note:**  (Dated February 9, 2019) NOT SIGNIFICANT

**Senate Status:**  02/11/19 - Referred to Senate Health & Welfare Committee.

**House Status:**  02/04/19 - Caption bill held on House clerk's desk.

SB1389/HB966  **Commemorative certificates of nonviable birth.**

**Sponsors:**  Sen. Bell, Mike , Rep. Cochran, Mark

**Summary:**  Authorizes that a practitioner who diagnosis nonviable birth will advise a patient who experiences a nonviable birth that the patient may request a commemorative certificate and a letter verifying the nonviable birth to the patient. Requires the department to complete the request within 60 days of receipt. Declares that the certificate is not proof of a live birth.

**Senate Status:**  02/21/19 - Set for Senate Health & Welfare Committee 02/27/19.

**House Status:**  02/21/19 - Set for House Public Health Subcommittee 02/27/19.

SB1390/HB541  **Revises certain requirements for obtaining a certificate of need.**

**Sponsors:**  Sen. Bell, Mike , Rep. Hall, Mark

**Summary:**  Removes the establishment of a satellite emergency department facility by a hospital at location other than the hospital's main campus from the requirement to obtain a certificate of need. Removes cardiac catheterization as a healthcare service requiring a certificate of need.

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

**House Status:**  02/11/19 - Referred to House Facilities, Licensure & Regulations Subcommittee.

SB1444/HB720  **Reimbursement of healthcare providers.**

**Sponsors:**  Sen. Bailey, Paul , Rep. Hill, Matthew

**Summary:**  Requires a written request for a hospital to provide a more detailed statement of services received and expenses incurred by a patient be received by the hospital within one year of the patient's discharge in order for the hospital to be required to respond. Broadly captioned.

**Fiscal Note:**  (Dated February 10, 2019) NOT SIGNIFICANT

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

**House Status:**  02/07/19 - Caption bill held on House clerk's desk.

SB1466/HB300  **Encourages finance and administration commissioner consult with TennCare advisory committee about impact of policies.**

**Sponsors:**  Sen. Bailey, Paul , Rep. Hill, Matthew

**Summary:**  Encourages the commissioner of finance and administration to consult the TennCare advisory commission concerning the impact of policies and procedures on providers with respect to home- and community-based services.

**Fiscal Note:**  (Dated January 31, 2019) NOT SIGNIFICANT

**Senate Status:**  02/11/19 - Referred to Senate Commerce & Labor Committee.
SB1472/HB1031 Removes expired health commissioner report requirement.
Summary: Removed expired language from code regarding requirement that the commissioner of health report on the effectiveness of the 12-month demonstration project involving disabled nursing home volunteers to the health committees of the senate and the house of representatives by March 1, 2006. Broadly captioned.
Fiscal Note: (Dated February 9, 2019) NOT SIGNIFICANT
Senate Status: 02/11/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/11/19 - Caption bill held on House clerk's desk.

SJR170 Expansion of medicaid eligibility to combat the opioid crisis.
Sponsors: Sen. Yarbro, Jeff
Summary: Authorizes governor to expand medicaid eligibility in accordance with the Patient Protection and Affordable Care Act to fully combat the opioid crisis in Tennessee.
Senate Status: 02/11/19 - Referred to Senate Commerce & Labor Committee.

HJR138 Supports the health of an unborn children.
Sponsors: Rep. VanHuss, James
Summary: Supports continued medical advancement to protect babies in the womb.
House Status: 02/13/19 - Referred to House Public Health Subcommittee.

INSURANCE GENERAL

SB413/HB348 Insurance company determining its obligations under an insurance policy.
Summary: Declares that an insurance company may determine its obligations under a policy of insurance as to any and all parties or claimants through a declaratory judgment action, an interpleader claim or action, or both, under a good faith clause.
Fiscal Note: (Dated February 14, 2019) NOT SIGNIFICANT
Senate Status: 02/21/19 - Set for Senate Consent 2 02/25/19.
House Status: 02/05/19 - Referred to House Property & Casualty Subcommittee.

SB774/HB1106 Tennessee Preexisting Conditions Protection Act.
Summary: Prohibits a medicare supplement policy or certificate from excluding or limiting benefits for losses incurred because of a preexisting condition. Current law specifies benefits cannot be limited for losses incurred more than six months from the effective date of coverage due to a preexisting condition. Also specifies that health benefit plans covering small employers cannot impose a preexisting condition exclusion to limit or deny coverage. Prohibits a group health plan and a health insurance issuer offering group health insurance coverage from imposing a preexisting condition exclusion, with respect to a participant or beneficiary. Make various other revisions regarding preexisting conditions.
Fiscal Note: (Dated February 9, 2019) Increase State Expenditures Not Significant Other Fiscal Impact An increase in premiums for Medicare Supplement and Long-term Care plans will result in an increase in premium tax revenue. The amounts and timing of any increased revenue cannot be reasonably quantified. Potential Impact on Health Insurance
Premiums (required by Tenn. Code Ann. 3-2-111): The proposed legislation could result in an increase in the cost of health insurance premiums for Medicare Supplement and Long-Term Care insurance consumers. Any increase as a result of the proposed legislation cannot be quantified due to the multiple factors equated to insurance premiums and could vary greatly within each individual plan.

**Senate Status:** 02/07/19 - Referred to Senate Commerce & Labor Committee.

**House Status:** 02/13/19 - Referred to House Life & Health Insurance Subcommittee.

**SB1033/HB1191 Effective date of a commercial risk insurance policy cancellation.**

**Sponsors:** Sen. Gardenhire, Todd, Rep. Smith, Robin

**Summary:** Extends the effective date of a commercial risk insurance policy cancellation from to 15 days after notice is mailed. Broadly captioned.

**Fiscal Note:** (Dated February 11, 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.

**SB1132/HB1155 Assumption of risk by a captive insurance company.**

**Sponsors:** Sen. Swann, Art, Rep. Ogles, Brandon

**Summary:** Designates the assumption of risk by a captive insurance company under a service contract issued by a parent or affiliate as reinsurance. Broadly captioned.

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

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

**SB1227/HB1126 Unfair trade practices in the business of insurance.**

**Sponsors:** Sen. Niceley, Frank, Rep. Tillis, Rick

**Summary:** Specifies the law surrounding rebates does not prohibit the payment of a fee to a trade or professional association exempt from income tax.

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

**House Status:** 02/21/19 - Set for House Property & Casualty Subcommittee 02/26/19.

**SB1299/HB272 Broadens ways for insurers to pay referral fees to unlicensed persons.**

**Sponsors:** Sen. Pody, Mark, Rep. Gant, Ron

**Summary:** Broadens the manner and ability of insurers or insurance producers to pay referral fees to unlicensed persons.

**Senate Status:** 02/13/19 - Referred to Senate Commerce & Labor Committee.

**House Status:** 02/21/19 - Set for House Property & Casualty Subcommittee 02/26/19.

**SB1435/HB64 Recommendations for changes to the Access Tennessee Act of 2006.**

**Sponsors:** Sen. Bailey, Paul, Rep. Travis, Ron

**Summary:** Establishes that committees must submit recommendations to the governor and the general assembly no later than February 1 after their annual review of the Tennessee Act of 2006.

**Fiscal Note:** (Dated February 7, 2019) NOT SIGNIFICANT

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

**House Status:** 01/24/19 - Caption bill held on House clerk’s desk.
### SB84/HB151
**Insurance Guaranty Association Act.**

**Sponsors:** Sen. Johnson, Jack, Rep. Curcio, Michael  
**Summary:** Makes several changes to the "Tennessee Life and Health Insurance Guaranty Association Act," which include excluding from coverage certain persons receiving payments through structured settlements, establishing procedures during delinquency proceedings, setting the amount of assessments for long-term care insurance written by impaired or insolvent member insurers, and other changes. (40 pp.)  
**Amendment Summary:** House Health Insurance committee amendment 1 (003948), which makes technical changes correcting typos.  
**Fiscal Note:** (Dated February 9, 2019) NOT SIGNIFICANT

### SB195/HB184
**Proton Therapy Access Act.**

**Sponsors:** Sen. Massey, Becky, Rep. Smith, Robin  
**Summary:** Enacts the "Proton Therapy Access Act," which requires health insurance coverage to cover hypofractionated proton therapy in the same manner as it covers intensity modulated radiation therapy under certain conditions, including patients being a part of a clinical trial or registry.  
**Fiscal Note:** (Dated February 14, 2019) NOT SIGNIFICANT Potential Impact on Health Insurance Premiums (required by Tenn. Code Ann. 3-2-111): Such legislation could result in an increase in the cost of health insurance premiums for hypofractionated proton therapy treatment being provided by the state group insurance plan. It is estimated that the increase in premiums could 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. HB 184 - SB 195

### SB322/HB278
**Requires drafting of a memorandum of understanding on a comprehensive online healthcare information system.**

**Sponsors:** Sen. Jackson, Ed, Rep. Daniel, Martin  
**Summary:** Requires commerce and insurance department draft a memorandum of understanding on development of comprehensive online healthcare information system.

### SB348/HB610
**Uniform claim forms.**

**Sponsors:** Sen. Briggs, Richard, Rep. Terry, Bryan  
**Summary:** Authorizes the commissioner of commerce and insurance to make available to healthcare providers on the department's website any prescribed claim form for reporting by healthcare providers. Broadly captioned.

**Fiscal Note:** (Dated February 8, 2019) NOT SIGNIFICANT

---

14
SB387/HB517 **Creation of a committee to study managed care organizations.**  
**Sponsors:** Sen. Hensley, Joey, Rep. Hill, Timothy  
**Summary:** Creates a committee to study managed care organizations with goal to study the state expenditures on services for patients in areas of care, including Medicare programs in other states. Requires managed care organizations participating in the TennCare program to submit any information and provide assistance as may be requested by the committee for purposes of the study. Requires the study committee to report whether the expenditures are reasonable along with all other findings and recommendations from the study to the governor and the members of the general assembly by January 1, 2020.  
**Fiscal Note:** (Dated February 8, 2019) Increase State Expenditures Exceeds $6,300/One-Time  
**Senate Status:** 02/06/19 - Referred to Senate Commerce & Labor Committee.  
**House Status:** 02/21/19 - Set for House Insurance Committee 02/26/19.

SB415/HB1208 **Coverage for stem cell therapy.**  
**Sponsors:** Sen. Kyle, Sara, Rep. Mitchell, Bo  
**Summary:** Requires every insurer authorized to issue an individual or group accident and sickness insurance policy in this state that provides major medical insurance coverage to make available on an optional basis as part of or as an endorsement to each such policy that is issued or renewed in this state on or after January 1, 2020, coverage for stem cell therapy.  
**Senate Status:** 02/06/19 - Referred to Senate Commerce & Labor Committee.  
**House Status:** 02/13/19 - Referred to House Life & Health Insurance Subcommittee.

SB462/HB313 **Establishes certain minimum coverage requirements for health benefit plans.**  
**Sponsors:** Sen. Yarbro, Jeff, Rep. Johnson, Gloria  
**Summary:** 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.  
**Senate Status:** 02/06/19 - Referred to Senate Commerce & Labor Committee.  
**House Status:** 02/05/19 - Referred to House Life & Health Insurance Subcommittee.

SB510/HB419 **Tennessee Right to Shop Act.**  
**Sponsors:** Sen. Roberts, Kerry, Rep. Smith, Robin  
**Summary:** Requires a carrier offering a health plan in this state, beginning upon approval of the next health insurance rate filing on or after January 1, 2020, to implement an incentive program that provides incentives for enrollees in a health plan who elect to receive a comparable healthcare service from a network provider that is covered by the health plan and that is paid less than the average allowed amount paid by that carrier to network providers for that comparable healthcare service before and after an enrollee's out-of-pocket limit has been met. Allows incentives to be calculated as a percentage of the difference between the amount actually paid by the carrier for a given comparable healthcare service and the average allowed amount for that service, or by another reasonable methodology approved by the commissioner of commerce and insurance. Also allows incentives to be provided as a cash payment to the enrollee, a credit toward the enrollee's annual in-network deductible and out-of-pocket limit, or a credit or reduction of a premium, a copayment, cost sharing, or a deductible. Requires the incentive program to provide each enrollee with at least 50 percent of the carrier's saved costs for each comparable healthcare service resulting from shopping by the enrollee. Requires an insurance carrier to make the incentive program available as a component of all health
plans offered by the carrier in this state. Establishes other requirements for incentive programs.

\textit{Senate Status:} 02/07/19 - Referred to Senate Commerce & Labor Committee.

\textit{House Status:} 02/06/19 - Referred to House Life & Health Insurance Subcommittee.

**SB539/HB698** Comprehensive listing of participating providers and facilities.


\textit{Summary:} Requires managed health insurance issuers to update the issuer's comprehensive listing available to covered persons and healthcare providers of participating providers and facilities at least every six months for web-based materials instead of annually for printed materials. Broadly captioned.

\textit{Senate Status:} 02/07/19 - Referred to Senate Commerce & Labor Committee.

\textit{House Status:} 02/07/19 - Caption bill held on House clerk's desk.

**SB650/HB786** Pharmacy benefit managers - submitting of amended claims by pharmacy.

\textit{Sponsors:} Sen. Reeves, Shane , Rep. Sexton, Cameron

\textit{Summary:} Prohibits errors identified during an audit from being the basis of recoupment unless it resulted in an actual error in payment or dispensing of medication. Allows a pharmacy to submit amended claims within 30 days of error being discovered. Clarifies that recoupment related to errors does not include the cost of dispensed drug or product. Establishes prohibitions for pharmacy benefits managers. Requires annual audit from comptroller on all state funded service by pharmacy benefits managers.

\textit{Senate Status:} 02/07/19 - Referred to Senate Commerce & Labor Committee.

\textit{House Status:} 02/11/19 - Referred to House Life & Health Insurance Subcommittee.

**SB723/HB708** Reimbursement of medical claims.

\textit{Sponsors:} Sen. Reeves, Shane , Rep. Helton, Esther

\textit{Summary:} Decreases the number of days for a health insurance entity to pay a claim for payment that was electronically submitted from 21 to 14 days. Establishes that a claim by electronic submission for a service approved by the health insurance must be paid the total covered amount of the claim not later than 10 calendar days after receiving the claim, or if only a portion of the claim was approved to pay the approved portion within 10 days and respond to any remaining portion within 14 days.

\textit{Senate Status:} 02/07/19 - Referred to Senate Commerce & Labor Committee.

\textit{House Status:} 02/11/19 - Referred to House Life & Health Insurance Subcommittee.

**SB942/HB1044** Convenience fee - commissioner of commerce and insurance.

\textit{Sponsors:} Sen. Lundberg, Jon , Rep. Travis, Ron

\textit{Summary:} Clarifies that the rule the commissioner is authorized to promulgate for a convenience fee to cover the costs of issuing or renewing licenses, registrations, and permits must be in accordance with the Uniform Administrative Procedures Act. Broadly captioned.

\textit{Fiscal Note:} (Dated February 11, 2019) NOT SIGNIFICANT

\textit{Senate Status:} 02/11/19 - Referred to Senate Commerce & Labor Committee.

\textit{House Status:} 02/11/19 - Caption bill held on House clerk's desk.
SB1120/HB1342 Notice to an insured concerning the potential out-of-network status of physicians.

**Sponsors:** Sen. Lundberg, Jon, Rep. Zachary, Jason

**Summary:** Requires that notice to an insured person concerning the potential out-of-network status of physicians who will be treating the insured at a facility for purposes of determining billing be given at least three days before first receiving services. Broadly captioned.

**Fiscal Note:** (Dated February 14, 2019) NOT SIGNIFICANT

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

**House Status:** 02/13/19 - Referred to House Life & Health Insurance Subcommittee.

SB1133/HB727 External review in cases where a person has received a cancer diagnosis.

**Sponsors:** Sen. Swann, Art, Rep. Zachary, Jason

**Summary:** Specifies that if the aggrieved person does not receive notification of the decision of the expedited external review within 72 hours after the receipt of the request for the expedited external review, the recommended healthcare services or treatment is deemed to be approved and the health carrier's decision is reversed. Requires there to be no event where the aggrieved person be notified of eligibility determination and external review more than 72 hours after the health carrier receives the notice of the request for expedited external review. Requires any request relating to a covered person's diagnosis of cancer must be treated as an urgent care request.

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

**House Status:** 02/11/19 - Referred to House Life & Health Insurance Subcommittee.

SB1215/HB1010 Restrictions on coverage of off-label drugs by insurers.

**Sponsors:** Sen. Crowe, Rusty, Rep. Hill, Matthew

**Summary:**Removes that some insurers will deny payment for drugs approved by the FDA when used for off-label use, while other insurers do pay for off-label use. Deletes clause of coverage of off-label drugs will not apply to a governmentally funded health care program, if the program requires the provision of medically necessary services. Deletes definitions of medical literature and standard reference compendia, in regards to insurance coverage on off-label drugs. Deletes clause on an insurer excluding coverage on a FDA non-approved drug if the f the drug is recognized for treatment of the indication in one of the standard reference compendia, or in the medical literature. Deletes clause that coverage for off-label uses of approved drugs shall not be constructed to alter existing law with regard to provisions limiting the coverage of drugs that have not been approved by the FDA.

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

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

SB1222/HB1376 Informing patients about health insurance acceptance.

**Sponsors:** Sen. Niceley, Frank, Rep. Sexton, Jerry

**Summary:** Requires healthcare providers and healthcare facilities, prior to providing a healthcare service to any patient, to inform the patient or the patient's legal representative whether any insurance policy the patient may have is accepted by the provider and if the provider is in-network. Provides an exception for patients experiencing medical emergencies.

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

**House Status:** 02/13/19 - Referred to House Life & Health Insurance Subcommittee.
SB1296/HB962  Website mechanism enabling enrollee to request info on carrier's payments to network entities or providers.


Summary:  Requires a health insurance carrier to establish an interactive mechanism on its publicly accessible website that enables an enrollee to request and obtain the payments made by the carrier to network entities or providers for comparable healthcare services, as well as quality data for those providers. The interactive mechanism must allow an enrollee seeking information about the cost of a particular healthcare service to compare allowed amounts among network providers, estimate out-of-pocket costs applicable to that enrollee's health plan, and the average paid to a network provider for the procedure or service under the enrollee's health plan within a reasonable time frame within one year. The out-of-pocket estimate must provide a good faith estimate of the amount the enrollee will be responsible to pay out-of-pocket for a proposed non-emergency procedure or service that is a medically necessary covered benefit from a carrier's network provider, including any copayment, deductible, coinsurance, or other out-of-pocket amount for any covered benefit, based on the information available to the carrier at the time the request is made. Orders sufficient information regarding the proposed non-emergency admission, procedure, or service for the patient to receive a cost estimate from the patient's insurance carrier to identify out-of-pocket costs which could be through an applicable toll-free telephone number or website upon request within two working days. Specifies compliance for a carrier offering a health plan by January 1, 2020.

Senate Status:  02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status:  02/11/19 - Referred to House Life & Health Insurance Subcommittee.

SB1369/HB910  Prohibits HMO payment denial for preventative and diagnostic services.


Summary:  Prohibits an HMO from denying payment for preventative and diagnostic services provided by primary care providers or through a provider's supervision of auxiliary personnel. Requires insurance, health and accident commissioner report violations to the general assembly.

Senate Status:  02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status:  02/11/19 - Referred to House TennCare Subcommittee.

SB1436/HB65  Time frame for HMO to request a hearing.


Summary:  Increases the days within a respondent may request a hearing on the question of whether acts or practices were in violation of the Health Maintenance Organization Act of 1986 from 15 days to 30 days.

Fiscal Note:  (Dated February 7, 2019) NOT SIGNIFICANT

Senate Status:  02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status:  01/24/19 - Caption bill held on House clerk's desk.

SB1502/HB1366  Changes the days for insurance premiums to be deposited.

Sponsors:  Sen. Hensley, Joey, Rep. Sparks, Mike

Summary:  Establishes the time period in which insurance premiums deducted from the salaries of participating employees to be deposited into the county insurance fund as three calendar days rather than three business days.

Fiscal Note:  (Dated February 13, 2019) NOT SIGNIFICANT

Senate Status:  02/11/19 - Referred to Senate Commerce & Labor Committee.
HB884 Informing patients of options pertaining to their prescription medications.

Sponsors: Rep. Dixie, Vincent

Summary: Prohibits pharmacy benefit managers from prohibiting the informing patients of all relative options pertaining to their prescription medications, including the cost or effectiveness of alternative medications, and whether a cash payment would cost less than an applicable insurance copayment or deductible.

House Status: 02/06/19 - Introduced in the House

JUDICIARY

SB1034/HB1114 Passive investors in healthcare liability actions.


Summary: Redefines “passive investor” as an individual or entity with an ownership interest of under five percent in a licensee.

Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.

House Status: 02/13/19 - Referred to House Civil Justice Subcommittee.

SB1274/HB1237 Excusing a physician from jury service.


Summary: Requires a judge or jury coordinator upon request to excuse any practicing physician from jury service upon request. A physician making a request to be excused from jury service must provide the court with documentation verifying that the person is a physician licensed to practice medicine.

Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.

House Status: 02/13/19 - Referred to House Civil Justice Subcommittee.

LABOR LAW

SB1204 Continuing education requirements of healthcare prescribers.

Sponsors: Sen. Crowe, Rusty

Summary: Creates an exception to the two-hour biennial continuing education requirement for controlled substance prescriptions for licensed prescribers in medical education program teaching roles who do not examine patients or prescribe controlled substances.

Senate Status: 02/11/19 - Referred to Senate Health & Welfare Committee.

LOCAL GOVERNMENT

SB9/HB9 Smoking on the grounds of a playground.


Summary: Authorizes Knox County to prohibit smoking on the grounds of a playground owned or operated by the local government.

Fiscal Note: (Dated January 31, 2019) Increase Local Expenditures Exceeds $4,800/One-Time/Permissive

Senate Status: 02/11/19 - Senate passed.
SB53/HB496  Exemptions to licensure and certification requirements for participation in federal Innovative Readiness Training programs.

**Sponsors:**  Sen. Kelsey, Brian , Rep. Hurt, Chris

**Summary:**  Creates exemptions to licensure and certification requirements for various health professionals who are participating in federal Innovative Readiness Training programs, including chiropractors, dentists, physicians, and nurses. (17pp.)

**Amendment Summary:**  Senate amendment 3 (004270) deletes all language after the enacting clause such that the only substantive change is exempting any military health professional licensed to practice in another state, as opposed to various military health professionals, from licensure and certification requirements in Tennessee while participating in an IRT Civil-Military partnership program.

**Fiscal Note:**  (Dated February 2, 2019) NOT SIGNIFICANT

**Senate Status:**  02/14/19 - Senate passed with amendment 3 (004270).

**House Status:**  02/06/19 - Referred to House Facilities, Licensure & Regulations Subcommittee.

---

SB511/HB724  X-ray operators with certificate of proficiency to be posted on board's website.

**Sponsors:**  Sen. Roberts, Kerry , Rep. Rudder, Iris

**Summary:**  Requires the board of chiropractic examiners to post the names of X-ray operators who hold a current certificate of proficiency on the board’s website. Broadly captioned.

**Fiscal Note:**  (Dated February 5, 2019) NOT SIGNIFICANT

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

**House Status:**  02/07/19 - Caption bill held on House clerk's desk.

---

SB541/HB793  Adverse actions against healthcare professionals for recommending hemp-based products.

**Sponsors:**  Sen. Massey, Becky , Rep. Ramsey, Bob

**Summary:**  Prohibits adverse administrative action against licenses to practice certain healthcare professions, including chiropractors, dentists, podiatrists, and others based on recommending or marketing industrial hemp-based products. Establishes contingencies for changes in terminology relating to hemp under the federal 2018 Farm Bill.

**Fiscal Note:**  (Dated February 13, 2019) NOT SIGNIFICANT

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

**House Status:**  02/21/19 - Set for House Facilities, Licensure & Regulations Subcommittee 02/26/19.

---

SB672/HB810  Graduate Physicians Act.

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

**Summary:**  Requires the board of medical examiners, in consultation with the board of osteopathic examination, to establish the process for licensure of graduate physicians. Define "graduate physician" and specifies that a graduate physician is considered a physician assistant for purposes of the regulations of the Centers for Medicare and Medicaid Services. Also specifies that graduate physicians are subject to the supervision requirements established in any controlling federal law and any supervision requirements...
established by the board of medical examiners. In order to remain licensed as a graduate physician, requires the graduate physician to successfully complete Step 3 of the United States Medical Licensing Exam (USMLE) no later than one year from the date that the graduate obtained a graduate physician license. Specifies that if the graduate physician does not successfully complete Step 3 of the USMLE, then the graduate physician's license must be revoked. Prohibits a graduate physician from practicing without a graduate physician collaborative practice arrangement. Defines "graduate physician collaborative practice arrangement" as an agreement between a licensed physician and a graduate physician that meets certain requirements. Establishes parameters for graduate physician collaborative arrangements. (12 pp.)

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

**House Status:** 02/21/19 - Set for House Facilities, Licensure & Regulations Subcommittee 02/26/19.

### SB743/HB422 Practice of nursing - references to human patients.

**Sponsors:** Sen. Hensley, Joey, Rep. Smith, Robin

**Summary:** Changes references of patients to human patients. Determines exclusive eligibility for the licensed practice of nursing to persons licensed by the board of nursing.

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

**House Status:** 02/21/19 - Set for House Facilities, Licensure & Regulations Subcommittee 02/26/19.

### SB791/HB935 Per-encounter opioid treatment.

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

**Summary:** Clarifies that per-encounter opioid treatment by a healthcare practitioner is an exception to the prohibition on treatment of a patient with an opioid more frequently than every 10 days. Broadly captioned.

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

**House Status:** 02/11/19 - Referred to House Mental Health & Substance Abuse Subcommittee.

### SB884/HB1377 Doctor of Medical Science Act.

**Sponsors:** Sen. Niceley, Frank, Rep. Sexton, Jerry

**Summary:** Establishes procedure for an applicant to receive a doctor of medical science license. Requires the board of medical examiners to grant an applicant such a license if the applicant meet the following criteria: (1) previously has been licensed and served in clinical practice for at least three years in one or more states as a physician assistant; (2) is a graduate of a minimum two-year doctor of medical science program accredited by a regional body under the United States department of education; (3) has successfully completed the examination on the certification of doctors of medical science, with the examination determined by the board; and (4) provides satisfactory evidence of an affiliation or association with a hospital, group practice, or a list of physicians with medical expertise outside the expertise of the person seeking licensure as a doctor of medical science. For renewal of license, requires licensees to present satisfactory evidence to the board of medical examiners' committee on doctors of medical science that the licensee in the year preceding the application for renewal successfully completed 100 hours of continuing medical education.

**Senate Status:** 02/11/19 - Referred to Senate Health & Welfare Committee.

**House Status:** 02/13/19 - Referred to House Facilities, Licensure & Regulations Subcommittee.

### SB1128/HB1350 Report on nursing training needs.

**Sponsors:** Sen. Kyle, Sara, Rep. Deberry Jr., John

**Summary:** Requires the board of nursing executive director report on workforce needs for nurses in healthcare institutions and facilities and the need for any beneficial changes to the
educational training of nurses in order to meet those needs to the health committees of both legislative houses. Broadly captioned.

**Senate Status:** 02/11/19 - Referred to Senate Health & Welfare Committee.
**House Status:** 02/13/19 - Referred to House Facilities, Licensure & Regulations Subcommittee.

**SB1142/HB1121** Annual report of board of examiners in psychology submitted to governor.

**Sponsors:** Sen. Briggs, Richard, Rep. Thompson, Dwayne
**Summary:** Authorizes the board of examiners in psychology to submit its annual report to the governor in electronic form. Broadly captioned.
**Fiscal Note:** (Dated February 7, 2019) NOT SIGNIFICANT
**Senate Status:** 02/11/19 - Referred to Senate Health & Welfare Committee.
**House Status:** 02/18/19 - Referred to House Facilities, Licensure & Regulations Subcommittee.

**SB1431/HB520** Allows HiSET diplomas to fulfill licensure requirements for funeral directors, embalmers, and their apprentices.

**Sponsors:** Sen. Bailey, Paul, Rep. Hill, Timothy
**Summary:** Allows a HiSET diploma to fulfill education requirements for licensure or registration of funeral directors, embalmers, and their apprentices.
**Fiscal Note:** (Dated February 13, 2019) NOT SIGNIFICANT
**Senate Status:** 02/11/19 - Referred to Senate Commerce & Labor Committee.
**House Status:** 02/07/19 - Caption bill held on House clerk’s desk.

**PUBLIC EMPLOYEES**

**SB1331/HB1347** Insurance coverage for employees and officials of county.

**Sponsors:** Sen. Gardenhire, Todd, Rep. Carter, Mike
**Summary:** Requires a county that provides employee insurance coverage make its policies of group insurance for group life, hospitalization, disability, or medical expenses readily available on the county’s website. Broadly captioned.
**Senate Status:** 02/11/19 - Referred to Senate Commerce & Labor Committee.
**House Status:** 02/13/19 - Referred to House Cities & Counties Subcommittee.

**PUBLIC FINANCE**

**SB1050/HB1019** Grant payments under grant assistance program for nursing home care.

**Sponsors:** Sen. Watson, Bo, Rep. Lynn, Susan
**Summary:** Authorizes grant payments under the grant assistance program for nursing home care to be made either monthly or quarterly. Broadly captioned.
**Fiscal Note:** (Dated February 8, 2019) NOT SIGNIFICANT
**Senate Status:** 02/11/19 - Referred to Senate Finance, Ways & Means Committee.
**House Status:** 02/13/19 - Referred to House Finance, Ways & Means Subcommittee.
**TAXES BUSINESS**

**SB315/HB338**  
**Phases out professional privilege tax.**  
*Sponsors:* Sen. Watson, Bo, Rep. Reedy, Jay  
*Summary:* Declares the privilege tax is payable on June 1 of each tax year, with each tax year beginning on June 1 and ending on May 31. Decreases professional privilege tax from $400 to $300 annually for tax years ending on or after May 31, 2022. Repeals tax for tax years ending on or after May 31, 2025.  
*Fiscal Note:* (Dated February 4, 2019) Decrease State Revenue Net Impact $23,375,600/FY20-21 $23,375,600/FY21-22 $23,375,600/FY22-23 $93,502,500/FY23-24 and Subsequent Years Decrease State Expenditures $243,600/FY20-21 $243,600/FY21-22 $243,600/FY22-23 $974,400/FY23-24 and Subsequent Years Increase Local Revenue $116,000/FY20-21 $116,000/FY21-22 $116,000/FY22-23 $464,200/FY23-24 and Subsequent Years Other Fiscal Impact To the extent the General Assembly further reduces the privilege tax rate annually through enactment of a general bill, and that such reductions are equal to $100 each year, beginning in FY20-21, the net decreases in state revenue* and increases in local revenue are estimated to be: ($23,375,600) for the state and $116,000 for the locals in FY20-21; ($46,751,300) for the state and $232,100 for the locals in FY21-22; ($70,126,900) for the state and $348,100 for the locals in FY22-23; and ($93,502,500) for the state and $464,200 for the locals in FY23-24 and subsequent years. The net decrease in state expenditures for the state is estimated to be: $243,600 in FY20-21; $487,200 in FY21-22; $730,800 in FY22-23; and $974,400 in FY23-24 and subsequent years. *net decreases in state revenue denoted parenthetically*  
*Senate Status:* 02/04/19 - Referred to Senate Finance, Ways & Means Committee.  
*House Status:* 02/05/19 - Referred to House Finance, Ways & Means Subcommittee.

**TENNCARE**

**SB254**  
**Federal waiver to establish VolunteerCare.**  
*Sponsors:* Sen. Kyle, Sara  
*Summary:* Directs the commissioner of finance and administration to seek a federal waiver to allow the commissioner to enter into a contract with one or more insurers or managed care organizations to provide coverage to person who enroll in the VolunteerCare plan. Establishes the VolunteerCare plan within the TennCare program to make coverage available for any person who is not otherwise eligible for medical assistance under this part and permits persons who are 55 years of age or older to purchase healthcare coverage through the TennCare program.  
*Fiscal Note:* (Dated January 31, 2019) Other Fiscal Impact If the waiver amendment is approved by CMS, it is assumed the Division of TennCare would experience an increase in state expenditures to administer the program. The extent to which such expenditures will be offset with premiums and copayments from enrollees is unknown. Otherwise, any fiscal impact is considered not significant.  
*Senate Status:* 02/01/19 - Referred to Senate Commerce & Labor Committee.

**SB286/HB265**  
**Notification of material change to info provided on application.**  
*Summary:* Decreases the amount of time an enrollee in the TennCare program has to notify the Bureau of TennCare of any material change to the information provided in the enrollee's
application for TennCare benefits from 30 days to 15 days from the material change. Broadly captioned.

**Fiscal Note:** (Dated January 31, 2019) NOT SIGNIFICANT

**Senate Status:** 02/01/19 - Referred to Senate Commerce & Labor Committee.

**House Status:** 01/31/19 - Caption bill held on House clerk's desk.

**SB371/HB974**  
**Decreases time allowed to mail certain changes to TennCare application.**

**Sponsors:** Sen. Briggs, Richard , Rep. Littleton, Mary

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

**Fiscal Note:** (Dated January 31, 2019) NOT SIGNIFICANT

**Senate Status:** 02/04/19 - Referred to Senate Health & Welfare Committee.

**House Status:** 02/07/19 - Caption bill held on House clerk's desk.

**SB378/HB378**  
**Authorizes governor to make decisions regarding medical assistance programs.**

**Sponsors:** Sen. Yarbro, Jeff , Rep. Miller, Larry

**Summary:** Removes requirement for the governor to receive authorization from the general assembly to make decisions pertaining to expanding optional enrollment in medical assistance programs.

**Fiscal Note:** (Dated February 6, 2019) NOT SIGNIFICANT

**Senate Status:** 02/06/19 - Referred to Senate Health & Welfare Committee.

**House Status:** 02/06/19 - Referred to House TennCare Subcommittee.

**SB464/HB1050**  
**Expands governor's authority with medicaid.**

**Sponsors:** Sen. Yarbro, Jeff , Rep. Johnson, Gloria

**Summary:** Authorizes the governor to expand medicaid pursuant to the Affordable Care Act. Authorizes the governor to negotiate with the centers for medicare and medicaid services to determine the terms of the expansion.

**Senate Status:** 02/06/19 - Referred to Senate Commerce & Labor Committee.

**House Status:** 02/13/19 - Referred to House TennCare Subcommittee.

**SB703/HB572**  
**Extends time for health department to notify TennCare about deaths of persons aged 55 years or older.**

**Sponsors:** Sen. Stevens, John , Rep. Lamberth, William

**Summary:** Extends the time in which the department of health has to notify the bureau of TennCare of the death of a person aged 55 years of age or older to 30 business days.

**Fiscal Note:** (Dated February 8, 2019) NOT SIGNIFICANT

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

**House Status:** 02/07/19 - Caption bill held on House clerk's desk.

**SB974/HB1094**  
**Federal waiver to establish VolunteerCare.**

**Sponsors:** Sen. Yarbro, Jeff , Rep. Johnson, Gloria

**Summary:** Allows the commissioner of finance and administration to enter into a contract with one or more insurers to provide coverage to those who enroll in the VolunteerCare plan and to grant a person aged 55 or older, ineligible for coverage through medicare, to purchase
coverage through VolunteerCare. Requires the commissioner to establish the VolunteerCare plan within TennCare. Defines coverage granted by VolunteerCare.

Fiscal Note: (Dated February 9, 2019) Other Fiscal Impact: If the waiver amendment is approved by Centers for Medicare & Medicaid Services (CMS), it is assumed the Division of TennCare would experience an increase in state expenditures to administer the program. The extent to which such expenditures will be offset with premiums and copayments from enrollees is unknown. Otherwise, any fiscal impact is considered not significant.

Senate Status: 02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status: 02/13/19 - Referred to House TennCare Subcommittee.

SB987/HB1179 Removes the use of state-funded pharmacy benefits managers.
Sponsors: Sen. Reeves, Shane, Rep. Terry, Bryan
Summary: Removes the use of state-funded pharmacy benefits managers.
Senate Status: 02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status: 02/13/19 - Referred to House Life & Health Insurance Subcommittee.

SB1029/HB1430 Medicaid expansion.
Sponsors: Sen. Yarbro, Jeff, Rep. Stewart, Mike
Summary: Authorizes the governor to expand Medicaid pursuant to the Affordable Care Act. Authorizes the governor to negotiate with the centers for medicare and medicaid services to determine the terms of the expansion.
Senate Status: 02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status: 02/13/19 - Referred to House TennCare Subcommittee.

SB1049/HB1259 Medicaid expansion for residents with opioid addictions.
Summary: Requires the TennCare bureau submit to the federal health and human services department a Section 1115 waiver that would expand Medicaid eligibility to residents who suffer from an opioid addiction and earn less than 138 percent of the federal poverty level if eligibility only lasts for the duration of the person’s involvement in a substance abuse treatment program. Broadly captioned.
Senate Status: 02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status: 02/13/19 - Referred to House TennCare Subcommittee.

SB1201/HB557 Addresses funds relative to nursing homes.
Summary: Requires any funds remaining in the nursing home assessment trust fund after payments to stay as a reserve for future uses. If the funds in the nursing home assessment trust fund are insufficient to meet all the established purposes, the bureau of TennCare is not required to procure additional funding from other sources to make the payments. Allows the bureau of TennCare to reduce all payments on a pro rata basis so as not to exceed the amounts held at any time in the nursing home assessment trust fund. Orders the bureau of TennCare to notify the chair of the health and welfare committee of the senate and the chair of the health committee of the house of representatives prior to making the reduced payments. Broadly captioned.
Fiscal Note: (Dated February 5, 2019) NOT SIGNIFICANT
Senate Status: 02/11/19 - Referred to Senate Health & Welfare Committee.
House Status: 02/07/19 - Caption bill held on House clerk's desk.
SB1428/HB1280 TennCare II funding by means of a block grant indexed for inflation and population growth.

Summary: Requires the governor acting through the commissioner of finance and administration to submit to the federal centers for medicare and medicaid services a waiver amendment to the existing TennCare II waiver, or to submit a new waiver in order to provide medical assistance to the TennCare II waiver population by means of a block grant no later than 120 days after the effective date of this act. Orders the block grant to convert the federal share of all medical assistance funding into an allotment that is tailored to meet the needs of the state and that is indexed for inflation and population growth. Broadly captioned.

Senate Status: 02/11/19 - Referred to Senate Commerce & Labor Committee.
House Status: 02/21/19 - Set for House TennCare Subcommittee 02/27/19.

SB1469/HB1175 Reports on use of technical assistance groups of healthcare providers in developing episodes of care.

Summary: Clarifies that the bureau of TennCare and the health care finance and administration of the department of finance and administration may submit by electronic means the quarterly reports on the use of technical assistance groups of healthcare providers in developing episodes of care. Broadly captioned.

Fiscal Note: (Dated February 8, 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.

SJR171 Urges TennCare improve treatment access for opioid addiction.

Sponsors: Sen. Yarbro, Jeff
Summary: Encourages the bureau of TennCare to improve access to and quality of treatment for eligible Tennessee residents suffering from addiction to opiates and other substances by means of an appropriate federal Section 1115 waiver for medicaid services.

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

SJR172 Medicaid eligibility expansion.

Sponsors: Sen. Yarbro, Jeff
Summary: Authorizes governor to expand Medicaid eligibility.

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

SJR182 Bureau of TennCare to improve access to and quality of evidence-based home visitation services.

Sponsors: Sen. Yarbro, Jeff
Summary: Encourages the bureau of TennCare to seek an appropriate federal Section 1115 demonstration waiver in order to expand access to evidence-based home visitation services for pregnant women and parents with infants facing medical, social, or environmental risks; encourages seeking additional funding opportunities for the home visitation programs.

Senate Status: 02/11/19 - Referred to Senate Commerce & Labor Committee.
SJR183 Encourages the Bureau of TennCare to improve access to and quality of evidence-based home visitation services.

*Sponsors:* Sen. Yarbro, Jeff

*Summary:* Encourages the bureau of TennCare to seek an appropriate federal Section 1115 demonstration waiver in order to expand access to evidence-based home visitation services for pregnant women and parents with infants facing medical, social, or environmental risks; encourages seeking additional funding opportunities for the home visitation programs.

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

---

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.

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

*House Status:* 02/11/19 - Referred to House TennCare Subcommittee.