1. **SB195**  
**Massey B.**  
**INSURANCE HEALTH: Proton Therapy Access Act.** 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  
HB184 - R. Smith - 02/01/19 - Referred to House Life & Health Insurance Subcommittee.

2. **SB650**  
**Reeves S.**  
**INSURANCE HEALTH: Pharmacy benefit managers - submitting of amended claims by pharmacy.** 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. HB786 - C. Sexton - 02/11/19 - Referred to House Life & Health Insurance Subcommittee.

3. **SB987**  
**Reeves S.**  
**TENNCARE: Removes the use of state-funded pharmacy benefits managers.** Removes the use of state-funded pharmacy benefits managers. HB1179 - B. Terry - 02/13/19 - Referred to House Life & Health Insurance Subcommittee.

4. **SB1133**  
**Swann A.**  
**INSURANCE HEALTH: External review in cases where a person has received a cancer diagnosis.** 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. **Fiscal Note:** (Dated February 19, 2019) NOT SIGNIFICANT  
HB727 - J. Zachary - 02/11/19 - Referred to House Life & Health Insurance Subcommittee.

5. **SB343**  
**Watson B.**  
**HEALTH CARE: Decreases the time period a health insurance entity paid a claim and may recoup reimbursement.** 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  
HB534 - T. Hill - 02/07/19 - Caption bill held on House clerk's desk.

6. **SB723**  
**Reeves S.**  
**INSURANCE HEALTH: Reimbursement of medical claims.** 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. Fiscal Note: (Dated February 25, 2019) Increase State Expenditures $398,500 Increase Federal Expenditures - $55,000
HB708 - E. Helton - 02/11/19 - Referred to House Life & Health Insurance Subcommittee.

2:00pm - House Hearing Rm I, House Government Operations Committee

3. HB457
   Daniel M.
   GOVERNMENT ORGANIZATION: Sunset - department of health. Extends the department of health to June 30, 2023. Fiscal Note: (Dated January 26, 2019) NOT SIGNIFICANT
   SB125 - K. Roberts - 02/21/19 - Senate passed.

5:00pm - Senate Chamber, Senate Floor

2. SB84
   Johnson J.
   INSURANCE HEALTH: Makes various changes to the Tennessee Life and Health Insurance Guaranty Association Act. Makes various revisions to the "Tennessee Life and Health Insurance Guaranty Association Act", including the following: (1) This bill expands coverage under the Act for health maintenance organization (HMO) subscriber contracts and certificates by specifying that "accident and health insurance" includes such contracts and certificates. (2) This bill excludes from coverage under the Act a person who acquires rights to receive payments through a structured settlement factoring transaction, as defined in federal law, regardless of whether the transaction occurred before or after the federal law took effect. (3) Under present law, the Act does not provide coverage for, among other things, a policy or contract providing any hospital, medical, prescription drug or other healthcare benefits pursuant to Medicare part C & D, or any regulations issued pursuant thereto. This bill adds that coverage is not provided for a policy or contract providing hospital, medical, prescription drug, or other healthcare benefits pursuant to Medicaid, or any regulations issued pursuant thereto. (4) Under present law, the Act provides coverage for certain policies and contracts to persons who, regardless of where they reside except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees or payees of persons covered under the Act. This bill adds coverage under the Act to healthcare providers rendering services covered under health insurance policies or certificates to persons covered under the Act. (5) Under present law, the Act does not provide coverage for, among other things, a portion of a policy or contract to the extent that the rate of interest on which it is based exceeds certain statutorily-set rates. This bill adds that this exclusion from coverage does not apply to any portion of a policy or contract, including a rider, which provides long-term care or any other health insurance benefits. (6) Present law requires the life and health guaranty association to maintain the following three accounts: life insurance, annuity, and health insurance. This bill instead requires the association to maintain two accounts an account with the life insurance and annuity subaccounts; and the health account. (7) Under present law, with respect to covered policies for which the association becomes obligated after an entry of an order of liquidation, the association may elect to succeed to the rights of the insolvent insurer arising after the order of liquidation under any contract of reinsurance to which the insolvent insurer was a party, to the extent that such contract provides coverage for losses occurring after the date of the order of liquidation or rehabilitation. As a condition to making this election, the association must pay all unpaid premiums due under the contract for coverage occurring after the date of the order of liquidation or rehabilitation. This bill establishes a 180-day window in which the association may elect to succeed to the rights and obligations of the insolvent member insurer arising after the order of liquidation under any contract of reinsurance to which the insolvent insurer was a party. This bill establishes several new requirements applicable to reinsurance contracts assumed by the association, as detailed in SECTION 4(n) of the bill. (8) Present law authorizes the association to offer either to reissue terminated coverage or to issue an alternative policy when providing substitute coverage to an insured or annuitant with a terminated policy or annuity. This bill additionally authorizes the association to contract at actuarially justified rates subject to the prior approval of the commissioner. (9) This bill authorizes the association, unless prohibited by law and in accordance with the terms and conditions of the policy or contract, to file for actuarially justified rate or premium increases for any policy or contract for which it provides coverage. (10) Under present law, any alternative policies the association adopts are subject to the approval of the domiciliary insurance commissioner and the receivership court. This bill revises this and makes alternative policies or contracts the association adopts subject to the approval of the commissioner of commerce and insurance only. (11) Under present law, the association may, subject to approval of the receivership court, issue substitute coverage for a policy or contract that provides an interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with certain provisions. This bill authorizes the association to issue substitute coverage for such a policy or contract without the approval of.
the receivership court. (12) This bill revises the subrogation rights of the association, as detailed in SECTION 4(k)(3) of the bill. (13) Present law authorizes the board of directors of the association to assess member insurers as necessary to carry out the duties of the association. This bill revises various provisions regarding the assessments, as detailed in SECTION 6 of the bill. (40 pp.) Amendment Summary: Senate Commerce and Labor Committee amendment 1, House amendment 1 (003948) corrects the word "summons" to "summary" and makes other technical, nonsubstantive revisions to this bill. Fiscal Note: (Dated February 9, 2019) NOT SIGNIFICANT

SB932
Lundberg J.  
7. CRIMINAL LAW: Local regulation of products containing nicotine. 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. Amendment Summary: Senate Commerce and Labor Committee amendment 1 (004924) deletes a municipality, a county, or a county having a metropolitan form of government to prohibit the use of tobacco products and vapor products in buildings and on property owned or leased by such entities. Clarifies that smokeless tobacco products are excluded from this legislation. Fiscal Note: (Dated February 20, 2019) Increase Local Expenditures Exceeds $30,000/One-Time/Permissive

SB357
Southerland S.  
8. AGRICULTURE: Regulatory authority over hemp production. 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. Fiscal Note: (Dated February 16, 2019) NOT SIGNIFICANT

Tuesday 3/5/19

9:00am - House Hearing Rm I, House Health Committee

7. HB422
Smith R.  
PROFESSIONS & LICENSURE: Practice of nursing - references to human patients. Changes references of patients to human patients. Determines exclusive eligibility for the licensed practice of nursing to persons licensed by the board of nursing. Fiscal Note: (Dated February 20, 2019) NOT SIGNIFICANT

HB1459
Gant R.  
9. CRIMINAL LAW: Raises age to access or use tobacco and vape products. Raises the age to access or use tobacco and vapor products from 18 to 21 years of age. Fiscal Note: (Dated February 24, 2019) Decrease State Revenue - $6,966,100 Decrease Local Revenue - $1,001,700

SB843
Sexton C.  
10. CRIMINAL LAW: Prescription of certain Scheduled controlled substances. 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

10:30am - House Hearing Rm I, House Property & Casualty Subcommittee
1. **HB348** Cepicky S. **INSURANCE GENERAL:** Insurance company determining its obligations under an insurance policy. 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 SB413 - J. Stevens - 02/25/19 - Senate passed.

12:00 pm - House Hearing Rm II, House Agriculture & Natural Resources Subcommittee

7. **HB844** Todd C. **AGRICULTURE:** Regulatory authority over hemp production. 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. **Fiscal Note:** (Dated February 16, 2019) NOT SIGNIFICANT SB357 - S. Southerland - 03/01/19 - Set for Senate Floor 03/04/19.

12:00 pm - House Hearing Rm I, House Insurance Committee

1. **HB1126** Tillis R. **INSURANCE GENERAL:** Unfair trade practices in the business of insurance. Specifies the law surrounding rebates does not prohibit the payment of a fee to a trade or professional association exempt from income tax. **Fiscal Note:** (Dated February 20, 2019) NOT SIGNIFICANT SB1227 - F. Niceley - 02/28/19 - Set for Senate Commerce & Labor Committee 03/05/19.

3. **HB1280** Hill T. **TENNCARE:** TennCare II funding by means of a block grant indexed for inflation and population growth. 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. **Amendment Summary:** House TennCare Subcommittee amendment 1 (004286) requires any negotiated agreement between the federal government and the finance and administration commissioner be approved by a general assembly joint resolution. **Fiscal Note:** (Dated February 25, 2019) Increase State Expenditures Not Significant Other Fiscal Impact - If approved by the federal government, the level of federal funding that would be approved for the Medicaid program is unknown. The current federal funding level for FY18-19 is approximately $7,544,537,000. SB1428 - P. Bailey - 02/11/19 - Referred to Senate Commerce & Labor Committee.

1:00pm - Senate Hearing Rm I, Senate Commerce & Labor Committee

5. **SB360** Southerland S. **CRIMINAL LAW:** Use of hemp products by minors. Expands the Prevention of Youth Access to Tobacco and Vapor Products Act to apply to hemp for smoking. **Fiscal Note:** (Dated February 23, 2019) NOT SIGNIFICANT

23. **SB1227** Niceley F. **INSURANCE GENERAL:** Unfair trade practices in the business of insurance. Specifies the law surrounding rebates does not prohibit the payment of a fee to a trade or professional association exempt from income tax. **Fiscal Note:** (Dated February 20, 2019) NOT SIGNIFICANT

1:30pm - House Hearing Rm II, House Facilities, Licensure & Regulations Subcommittee
PROFESSIONS & LICENSURE: Adverse actions against healthcare professionals for recommending hemp-based products. 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
SB541 - B. Massey - 02/07/19 - Referred to Senate Health & Welfare Committee.

HEALTH CARE: Review of charts for practice site visits at a community mental health center. 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. Amendment Summary: Senate Health and Welfare Committee amendment 1 (004610) makes a technical correction by changing the amended code. Senate Health and Welfare Committee amendment 2 (004785) defines “collaborating physician” as physician with the authority to make the prescriptions that the advanced practice registered nurse can make. Fiscal Note: (Dated February 21, 2019) NOT SIGNIFICANT
SB972 - E. Jackson - 02/27/19 - Senate Health & Welfare Committee recommended with amendments 1 and 2. Sent to Senate Calendar Committee.

HEALTH CARE: Revises certain requirements for obtaining a certificate of need. 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. Fiscal Note: (Dated February 28, 2019) Decrease State Revenue -- $89,700/Health Services and Development Agency Other Fiscal Impact Pursuant to Tenn. Code Ann. 68-11-1623(b), the Health Services Development Agency (HSDA) is required to be self-sufficient. As of February 22, 2019, the HSDAs account balance is estimated to be approximately $400,000 with an additional reserve fund balance of approximately $1,100,000. The HSDA may increase fees for other certificate of need applicants in the future, if necessary, to remain self-sufficiency.
SB1390 - M. Bell - 02/11/19 - Referred to Senate Commerce & Labor Committee.

PROFESSIONS & LICENSURE: Annual report of board of examiners in psychology submitted to governor. 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
SB1142 - R. Briggs - 02/28/19 - Set for Senate Health & Welfare Committee Regular Calendar 03/06/19.

Criminal Law: Drug offenses involving fentanyl. 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.
HB942 - W. Lamberth - 02/28/19 - Set for House Criminal Justice Subcommittee 03/13/19.

Wednesday 3/6/19

1:30pm - Senate Hearing Rm I, Senate Health & Welfare Committee Regular Calendar

1. SB1389 - Bell M. HEALTH CARE: Commemorative certificates of nonviable birth. 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. Fiscal Note: (Dated February 21, 2019) NOT SIGNIFICANT
HB966 - M. Cochran - 02/27/19 - House Public Health Subcommittee deferred to 03/13/19.
3. **SB1142**  
   Briggs R.  
   **PROFESSIONS & Licensure:** Annual report of board of examiners in psychology submitted to governor. 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  
   HB1121 - D. Thompson - 02/28/19 - Set for House Facilities, Licensure & Regulations Subcommittee 03/05/19.

2:00pm - House Hearing Rm IV, House Consumer Subcommittee

1. **HB352**  
   Sexton C.  
   **Commercial Law:** Consumer protection - claims related to medical devices and pharmaceuticals. 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  
   SB352 - R. Briggs - 02/25/19 - Senate passed.

2:00pm - House Hearing Rm II, House Public Health Subcommittee

1. **HB1454**  
   Ramsey B.  
   **Criminal Law:** Raises age limit of persons allowed to use tobacco and vape products. Increases age of persons allowed to use tobacco and vapor products from 18 years of age to 21 years of age. **Fiscal Note:** (Dated February 22, 2019) Decrease State Revenue - $3,483,000/FY19-20 $6,966,100/FY20-21 and Subsequent Years Decrease Local Revenue - $500,800/FY19-20 $1,001,700/FY20-21 and Subsequent Years  
   SB1200 - S. Reeves - 02/26/19 - Senate Commerce & Labor Committee deferred to final calendar.

2:00pm - House Hearing Rm I, House Local Committee

4. **HB9**  
   Staples R.  
   **Local Government:** Smoking on the grounds of a playground. Authorizes Knox County to prohibit smoking on the grounds of a playground owned or operated by the local government. **Amendment Summary:** House Cities & Counties Subcommittee amendment 1 (004455) includes Rutherford county and the cities within. House Cities & Counties Subcommittee amendment 2 (004152) includes Lincoln and Bedford counties. House Cities & Counties Subcommittee amendment 3 (003984) includes Knox county and the cities within. House Cities & Counties Subcommittee amendment 4 (004030) includes Sullivan county and the cities within. **Fiscal Note:** (Dated January 31, 2019) Increase Local Expenditures Exceeds $4,800/One-Time/Permissive  
   SB9 - R. Briggs - 02/11/19 - Senate passed.

3:30pm - House Hearing Rm IV, House Life & Health Insurance Subcommittee

1. **HB1376**  
   Sexton J.  
   **Insurance Health:** Informing patients about health insurance acceptance. 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. **Fiscal Note:** (Dated February 28, 2019) NOT SIGNIFICANT  
   SB1222 - F. Niceley - 02/11/19 - Referred to Senate Commerce & Labor Committee.

3:30pm - House Hearing Rm II, House Criminal Justice Subcommittee
2. **HB942**
   Lamberth W.

**CRIMINAL LAW: Drug offenses involving fentanyl.** 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.

SB798 - J. Johnson - 02/28/19 - Set for Senate Judiciary Committee 03/05/19.