

To: LeadingAge Tennessee
From: Meagan Frazier, Allie Jones
Date: May 27, 2022
Re: 2022 Legislative Session Summary



The 112th General Assembly adjourned sine die April 28, 2022, concluding their two-year-long legislative work.

Legislative bill filing and bill passing rates were consistent with all other sessions, allowing the legislature to shift some attention away from the COVID-19 pandemic and on to other priorities that had been previously neglected. The slate of budget and legislative priorities included significant investments in higher education, “Truth in Sentencing,” and campaign finance reforms.

The General Assembly passed a \$52 billion FY22-23 state budget, a \$10 billion increase over last year’s budget and the largest budget ever in Tennessee state history. Controversially included in the budget is the authorization of \$500 million in bonds to be used for a new domed Titans stadium. Other notable items in the budget include a recurring \$1 billion in education for public schools across Tennessee, \$250 million for road infrastructure projects, and an \$80 million allotment for a one-month moratorium on the state’s sales tax on groceries in August. Additionally, investments to the state’s Rainy-Day Fund bring it to its highest total ever at \$1.6 billion. There were also unanticipated budget cuts to economic and community development grant programs, including the Rural Economic Opportunity program and the fast-track incentive funding.

Specific healthcare items included:

- \$24.4M - Funding to increase DIDD DSP wages to \$13.75 an hour
- \$25M – Provider rate increases for behavioral health services
- \$5M – Funding for the adult health care safety net
- \$10M – Additional Graduate Medical Education funding
- \$10.6M – Eliminates OPTIONS waitlist for community living programs
- \$19.9M – CHOICES program providing personal care, home-delivered meals, and home services for elderly/at risk nursing homes
- \$5M – Trauma Hospital funding

The following pieces of legislation were of particular interest to LeadingAge this session, as identified by the policy committee.

HSDA and Board for Licensing Health Care Facilities

[HB 2500/SB 2466](#), sponsored by State Rep. Clark Boyd (R-Lebanon) and State Sen. Shane Reeves (R-Murfreesboro), is the latest achievement of this legislative working group, and will unify the licensure and regulation of health care facilities by merging the Health Services and Development Agency (HSDA) with the Department of Health’s Office of Health Care Facilities. Effective July 1, 2022, this new independent state agency will be called the Health Facilities

Commission and be responsible for administrating the CON program, licensing health care facilities, and determining compliance with the Federal and State standards, rules, and regulations.

Medication Aides

Previously, a requirement for certification as a medication aide was that the applicant is a certified nurse aide who has practiced as a certified nurse aide in a nursing home, assisted care living facility, or a PACE for a minimum of one year at the time the applicant applies for certification as a medication aide. [SB2295/HB2545](#), sponsored by Sen. Mike Bell (R-Ricetown) and Rep. Rebecca Alexander (R-Jonesborough), added eligibility for otherwise qualified applicants who are licensed as occupational therapy assistants. In the case of nurse aides and occupational therapy assistants, this bill specifies that the requirement for one year of prior practice in a nursing home, assisted-care living facility, or a PACE, must have been for a continuous period of one year or more. The bill also added a requirement that all applicants for certification as a medication aide must have a recommendation from a facility where the individual is employed or contracted.

Another previous requirement for certification as a medication aide under law was that the applicant successfully complete a course of instruction provided by a training program approved by the board of nursing. This bill added authorization for the training to be provided in the classroom or by distance learning.

Another requirement for certification as a medication aide under present law is that the applicant pass a standardized examination. This bill reduced the minimum requirement for a passing grade from 85 percent to 75 percent.

This bill becomes effective January 1, 2023.

Visitation in Nursing Homes

Under [SB2574/HB2535](#), sponsored by Sen. Rusty Crowe (R-Johnson City) and Rep. Rebecca Alexander (R-Jonesborough), during a period in which a disaster, emergency, or public health emergency for COVID-19 has been declared, a long term care facility must allow a resident to have visitors during end-of-life situations and must not restrict a patient from having at least one resident representative present in the facility so long as the visitor or resident representative:

- (1) Is not exhibiting symptoms of COVID-19 or another communicable disease;
- (2) Agrees to follow all safety protocols established by the long term care facility, which must be clearly specified in writing and be no more restrictive than protocols applicable to staff of the facility; and
- (3) Would not by their presence in the long term care facility cause the facility to violate any federal or state law, rule, or guidance regulating that facility.

This bill defines "resident representative" as a family member or another individual, chosen by a resident of a long term care facility to act on behalf of the resident in order to support the

resident in decision-making; access medical, social, or other personal information of the resident; manage financial matters; or receive notifications. Additionally, court-appointed guardians and conservators of a resident may be a resident representative. This legislation takes effect on July 1, 2022.

Temporary Staffing Study

[SB2463/HB2347](#), sponsored by State Rep. Clark Boyd (R-Lebanon) and State Sen. Shane Reeves (R-Murfreesboro), requires the comptroller of the treasury, in conjunction with the bureau of TennCare and the department of health, to study the use of temporary staffing provided by healthcare staffing agencies in long-term care facilities. The study must specifically examine:

- (1) The costs paid by nursing homes for temporary staff provided by healthcare staffing agencies, and the effect those costs may have on the TennCare program;
- (2) The impact any charge increase for temporary healthcare staffing has on assisted-care living facilities; and
- (3) Practices that would improve the quality of long-term care facility resident care while reducing costs to the TennCare program.

Although this legislation does not make any substantial improvements to the increasing costs from staffing agencies, this could trigger TennCare to increase rates. This bill requires the comptroller to deliver the report to the speaker of the senate, the speaker of the house, and the legislative librarian no later than January 1, 2023.

Healthcare Professional Reimbursement

[HB2213/SB2304](#) by Rep. Patsy Hazlewood (R-Signal Mountain) and Sen. Becky Massey (R-Knoxville) creates a healthcare task force to review the reimbursement of health professionals employed by agencies performing healthcare services in this state. The duties of the task force include a study of how reimbursement rates and wages impact the availability of a healthcare work force, and other such duties imposed under this part.

Public Chapters

The public chapters are accessible via <https://sos.tn.gov/division-publications/acts-and-resolutions> by number or subject matter.

Looking ahead

Due to the recently redrawn legislative and congressional districts, legislators and candidates across the state will be working hard to meet their new constituents before elections this year. Early voting runs from Friday, July 15 – Saturday, July 30 and primary election day is Thursday, August 4. General elections will take place November 8. [Click here](#) to view lists of candidates for the upcoming state and federal elections.

The 113th General Assembly will convene on January 10, 2023.