

To: LeadingAge TN
From: Meagan Frazier
Date: May 31, 2024
Re: 2024 Legislative Session Summary



Recap of 2024 Session

During the second session of the 113th Tennessee General Assembly, the republican supermajority continued with a focus on crime and criminal justice, education, keeping tax burdens low, and health care services.

Rules adopted by the TN House of Representatives in January of 2024 were intended to make the House sessions more productive by setting new debate parameters and updating time limits. Protests and protesters were routinely present during session, both on the floor and in committees, but were largely respectful. The legislature seems to have settled into the new normal.

Budget

As is constitutionally required, the \$52.8 billion budget was balanced. The key budgeted items reflected the priorities of the Lee administration and the legislature.

An additional \$100 million was allocated to the state's rainy-day fund, pushing the fund balance over \$2 billion. Further, \$393 million in recurring dollars were allocated for a business-friendly adjustment to simplify the state's ancient franchise and excise tax and to make the state more competitive nationally.

The legislature's focus on criminal justice was evident in the budget with appropriations made for an additional 60 state troopers and 13 more positions at the TBI. Specific funding was also approved to allow the Tennessee National Guard to be deployed to the southern US border. Priority legislation was funded to implement the juvenile blended sentencing legislation and recidivism reduction legislation. Additional funding for court ordered mental health evaluations and treatment for defendants was also approved.

The TennCare Bureau recognized another \$300 million in shared savings, and those funds were directed towards investments in rural and behavioral health. Funds will be used to support behavioral health hospitals and providers with enhanced reimbursement for services and training. Additional dollars will be used to fund competitive grant opportunities in rural health, appropriations for children's hospitals, and further investment in value-based payment initiatives.

Although Governor Bill Lee's signature voucher legislation did not pass, the budget for K-12 education received \$260 million in new recurring funding. Specific funding was also approved for summer learning programs, AP classes, and phonics learning support.

Despite the legislature removing Governor Lee's suggested agriculture land protection funding, they did approve \$59 million for state parks capital projects, \$51 million to the Heritage Preservation fund and \$20 million to expand blue ways trail access (amongst other conservation priorities.)

Leading Age Legislation

SB 1993 / HB 2289 | Sen. Becky Massey; Rep. Clark Boyd | As enacted in Public Chapter 756, SB 1993 removes the prohibition on medication aides from administering medications delivered by aerosol/nebulizers or metered hand-held inhalers without spacers. Additionally, the bill allows a medication aide to administer oral or topical medication on an as-needed basis when prescribed with a designation from a nurse delegation authorizing or requiring the medication aide to do so- regardless of whether a nursing assessment of the patient had been completed prior to administration.

Medication aides are crucial to staffing long-term care facilities and this legislation should improve their usage.

Link to [Public Chapter 756](#)

Bills of interest

SB 459/ HB 416 | Sen. Bo Watson; Rep. Caleb Hemmer | SB 459, if passed, would have created a state-wide Program of All-Inclusive Care for the Elderly (PACE Program) under TennCare and directed the Division of TennCare to seek any federal waivers necessary to do so.

If expanded, PACE programs would serve a similar role to the TN CHOICES Programs except it offers more complete services for qualifying seniors as the program operates as a provider, thus allowing more coordination of care for those enrolled.

A PACE Program currently exists in Hamilton County and would have been expanded in SB 459 to Meigs, Rhea, and Bradley Counties.

Although the bill passed through its standing committees, it failed to receive the funding necessary to pass the Finance Committees of the House and Senate this year. There is growing support for PACE in Tennessee and provider interest as well. The effort to expand PACE is likely to continue.

For additional information, please refer to [this link](#).

SB 2098 / HB 2089 | Sen. Jack Johnson; Rep. William Lamberth | As enacted in Public Chapter 088, SB 2098 combines the Department of Intellectual and Developmental Disabilities (DIDD) and the Commission on Aging and Disability into the new Department of Disability and Aging.

In creating the new Department, the bill makes various changes and clarifications to allow the merged Department to continue to issue licenses and conduct other business as they have previously separately.

The Alzheimer's Disease and Related Dementia Advisory Council is moved under the Department of Health for administrative purposes.

Link to [Public Chapter 688](#)

SB 1670 / HB 1922 | Sen. Becky Massey; Rep. Ed Butler | As enacted in Public Chapter 728, SB 1670 as passed allows nursing homes (that have been approved by the Health Facilities Commission to install a newborn safety device) to accept surrendered newborn infants in a newborn safety device on premises; also allows emergency communications centers to do so with an opt-out provision.

Assisted living facilities were originally in the bill but were removed through an amendment.

Link to [Public Chapter 728](#)

SB 1709 / HB 1628 | Sen. Joey Hensley; Rep. Scott Cepicky | As enacted in Public Chapter 928, SB 1709 creates new criminal offences of assault in healthcare facilities. Under this legislation, a "healthcare facility" is defined as any portion of an institution, place, building, or office devoted to providing healthcare services, including the reception and administrative areas of the facility.

Assault in a healthcare facility under this legislation is a Class A misdemeanor. An additional Class C misdemeanor is committed when a person commits aggravated assault in a healthcare facility where the assault leads to: serious bodily injury or death of the victim, involves the use or display of a deadly weapon, involves strangulation (attempted or otherwise carried out).

Both misdemeanors carry minimum mandatory sentences.

Link to [Public Chapter 928](#)

SB 2009 / HB 2269 | Sen. Shane Reeves; Rep. Clark Boyd | SB 2009 as enacted in Public Chapter 985 reforms Tennessee's Certificate of Need Laws to begin moving the state and the Health Facilities Commission towards a licensure-oriented posture for healthcare facilities across the state by laying out a timeline for certain facilities to be removed from CON requirements.

Nursing homes, rehab facilities, a home care organization other than a home care organization, opiate addiction non-residential treatment centers, hospice facilities, and organ transplantation

facilities remain unchanged in their standing before the Health Facilities Commission and CON requirements under this legislation.

Link to [Public Chapter 985](#)

SB 2022 / HB 2650 | Sen. Shane Reeves; Rep. Esther Helton-Haynes | SB2022 as passed mostly cleans up and makes changes in the Health Facilities Commission's administrative and oversight functions regarding nursing homes. More specifically, it includes some clarifying language regarding timelines for contested cases, especially those regarding suspensions of admissions into nursing homes. Sections of the bill deal with timelines for nursing homes ruled to be deficient; establishes rules and fines pertaining to receipt and failure to act regarding notices sent by the HFC; adds other language to instruct how the HFC conducts business with contested case hearings by limiting the number of members that must be present to achieve a quorum.

SB 2022 also makes changes ensuring that the private information of board members, staff, and their families are not a public record open to inspection and are exempt from public disclosures. The bill additionally provides that the current certificate of need reserves will become the Health Facilities Commission fund, and funds cannot revert back to the general fund if unused. This section of the law helps to allow the HFC to function more as a licensing board.

Materially pertinent to LeadingAge is SB 2022's creation of the Assisted-Care Living Trust Fund (ACLF). The administering board must have between 7 and 11 individuals, at least 75% of which must be current employees of an assisted-care living facility.

The executive director of the Assisted-Care Living Trust Fund Board must be selected in consultation with the Tennessee Center for Assisted Living, LeadingAge Tennessee, and Argentum. The bill also establishes funds related to resident protection and quality improvement administered by the ACLF and funding methods for those funds.

For a more details, please refer to [Public Chapter 932](#)

SB 2076 / HB 1680 | Sen. Jack Johnson; Rep. William Lamberth | As enacted in Public Chapter 512, SB 2076 expands the definition of abuse or neglect to include newly defined "self-neglect." Self-neglect occurs when an adult is unable to provide or obtain necessary services or care to maintain their own personal health or welfare.

The bill was brought forwards by Governor Lee's Administration.

Link to [Public Chapter 512](#)

SB 2159 / HB 2321 | Sen. Ferrell Haile; Rep. Patsy Hazlewood | As enacted in Public Chapter 986, SB 2159 increases the personal needs allowance of long-term nursing home residents from \$50 to \$70 as the number had sat unchanged for many years.

Link to [Public Chapter 986](#)

Public Chapters

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

Looking ahead

Like in years past, we expect the August 1 primary elections to largely determine the makeup of the 114th General Assembly, but the majority of districts have general elections as well.

There are expected to be 3 challenging primary elections in the Senate. In the House, we anticipate robust election activity for the vacated seats, but only 8 incumbents are currently expected to face significant primary opposition.

The campaign season is often where newly elected legislators get their ideas for legislation, so we expect continued focus on crime, healthcare and education issues in the next General Assembly.

With Governor Lee's administration winding down, expect some adjustments in the makeup of the Cabinet as officials look to position themselves for next chapter of state government and of their own careers. Additionally, the Governor will try to solidify his legacy by pursuing some efforts that he has not yet been able to accomplish.