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AGE 2023 Legislative Report Overview:

Listed below are the bills from the 2023 legislative session that pertains to LeadingAge TN. While a few bills failed, the ones that passed relate to TennCare’s nursing home annual assessment, in-home care, temporary staffing healthcare agencies, and the Certificate of Need Board and the Healthcare Facilities Licensing board.

Bills of interest to AGE:

[SB196/HB1455:](#)

Sponsored by Senator Jon Lunberg and Representative Jeremy Faison, this bill failed and has been deferred to 2024. The bill regards Health Care and the updated requirements for prescription writing for nurse practitioners. This bill removes a reference to a repealed section that required the division of health-related board to provide to the board of pharmacy the names of all nurse practitioners and physician assistants who are authorized to write and sign prescriptions or issue legend drugs in Tennessee and the names of their supervising physicians.

[SB299/HB653:](#)

Sponsored by Senator Joey Hensley and Representative Monty Fritts, this bill failed and has been deferred to 2024. The bill relates to health care and access to people in health-related facilities. It would require that healthcare facilities and long-term care facilities permit in-person visitation of a patient or resident by family members and community pastoral care members. It also allows the facilities to place limitations on the frequency and duration of visits in certain areas and to require the visitors to comply with safety protocols.

The amendment simply allows for these facilities to place restrictions on visitations as well as prohibit visitation all together if the person’s attorney asks. If this occurs, it’s required that the family or pastoral care member be notified of the prohibited visitation.

[SB308/HB332:](#)

Sponsored by Senator Joey Hensley and Representative Scott Cepicky, this bill failed and has been deferred to 2024. This relates to TennCare and their contracts with managed care organizations. This bill requires eligibility requirements for such entities to contract with TennCare, and thus prohibits TennCare from choosing managed care organizations through a request for proposal or competitive bidding process. Additionally, this changes other eligibilities including contracts with TennCare, financial risk factors, characteristics of the governing body of

the provider participation entity involved with TennCare, and report submission for TennCare eligibility qualifications and standards.

[SB671/HB493:](#)

Sponsored by Senator Shane Reeves and Representative Curtis Johnson, this bill relates to TennCare by extending the nursing home annual assessment fee to June 30, 2024. The bill, as amended, provides an exception to the allowance of one mid-year adjustment that may be established for each nursing facility established by this bill if said modifications are necessary to comply with federal regulations. Furthermore, the amendment provides that the assessment rate for a new nursing home facility (that is initially licensed and commences operations on or after July 1, 2023, at a prorated assessment equal to \$2,225 per licensed bed per year), is prorated to be from the date the nursing facility became licensed, rather than the date the nursing facility became certified to participate in TennCare. Became Public Chapter #384 on May 19, 2023.

[SB678/HB1194:](#)

Sponsored by Senator Shane Reeves and Rep. Ryan Williams. This is a revision of last year's act and is *expanding the pilot program for another year; this is not a new pilot program*. As amended (according to amendment 1) requires that in-home care, of appropriately trained individuals, be included in respite care and establishes examples by what is meant by substitute support as it relates to this Alzheimer's and dementia respite care pilot program. Examples include in-home respite or companionship, adult day care, assistance with personal tasks, four hours of overnight respite in a facility, and any goods or services necessary to maintain a person with Alzheimer's or related dementia at home. Furthermore, this bill states certain criteria's that must be followed. Became Public Chapter #221 on May 3, 2023.

[SB702/HB1095:](#)

Sponsored by Senator Rusty Crowe and Representative Clark Boyd, this bill relates to Health Care and the charging for staffing by temporary healthcare staffing agencies. The bill prohibits temporary healthcare staffing agencies from charging healthcare facilities a price for temporary healthcare staffing that is grossly more than the price generally charged for the same or similar service (upon the declaration of an abnormal economic disruption by the governor by proclamation or executive order) and continuing for a maximum of 15 days, unless extended by a subsequent declaration.

As amended, there are exceptions to this law. The amendment excludes an individual who only engages, on the individual's own, to provide that individual's services on a temporary basis to healthcare facilities, without the use or involvement of a temporary healthcare staffing agency. Excludes agencies operated by or an affiliate of a hospital, assisted-care living facility, or nursing home, if the purpose of the agency is for temporary or permanent care staff or employment at that healthcare provider. Furthermore, it established minimum standards for temporary healthcare staffing agencies such as document retention and employee benefits. It requires a

temporary healthcare staffing agency to provide records to certain governmental agencies. It establishes prohibition in employment and contracting and requires that a temporary healthcare staffing agency presently doing business in this state provide notice to the Health Facilities Commission its business entity and any controlling person by December 31, 2023. It also requires that the HFC establish a registration process for temporary healthcare staffing agencies and requires a temporary agency to register with the HFC on a yearly basis. The HFC will be required to charge a registration fee of up to \$5,000 per agency.

Furthermore, this amendment requires that a temporary healthcare staffing agency submit a biannual report to the HFC regarding the operations of the agency. HFC will also be authorized to revoke a registration that was illegally or fraudulently obtained or issued a diploma, registration, license, certificate, criminal records check, or any other item required for the healthcare facility. The HFC is authorized to impose a fine up to \$5,000 if a staffing agency violates the terms of this legislation. The HFC is authorized to request a contested case hearing to appeal a denial of an application for registration, revocation of registration or an imposed monetary penalty, and that the temporary healthcare staffing agency will pay the actual and reasonable costs of the investigation. Penalties and disciplinary proceedings take effect on July 1, 2024, while all other things take effect after this is signed into law. Became Public Chapter on May 24, 2023.

[SB 858/HB952:](#)

Sponsored by Senator Shane Reeves and Rep. Clark Boyd. As written, continues the ongoing work of Certificate of Need reforms. This bill focuses on consolidating the rules and responsibilities of the Certificate of Need Board and the Healthcare Facilities Licensing board into a single 15-member board which shall be known as the Health Facilities Commission. The Health Facilities Commission is given jurisdiction over licensure over nursing homes and some other facilities already licensed by the Dept. of Mental Health and Substance Abuse Services. The bill also provides that one member of the Health Facilities Commission must also be a member of the Alzheimer's Disease and Related Dementia Advisory Council. To accommodate the extra member, the Alzheimer's Disease and Related Dementia Advisory Council's maximum number of members has increased from 16 to 17. Became Public Chapter on May 24, 2023.

[SB1282/HB1511:](#)

Sponsored by Senator Becky Massey and Rep. Dave Wright, this bill has been deferred to 2024. However, as written, this bill adds the senate and house government operations committees to the list of legislative committees to receive the annual reports from the commission on aging and disabilities concerning funding sources used to support the health and safety of elderly adults. Amendment 1 requires that the Commission on Aging and Disability establishes a licensure program to regulate small residential homes that provide private living spaces for up to four

elderly persons inside a community setting. The amendment provides further clarifications regarding the regulations for the residential homes. Will be deferred to 2024.