

## 2022 LEGISLATIVE REPORT

TENNESSEE ASSOCIATION  
FOR HOME CARECOMMENTS

*Note: Carryover bills introduced in 2021 will not likely move in 2022.*

COVID-19

- ✓ **SB 1789 by Briggs/HB 2858 by Kumar - Definition of governmental entity under statutes addressing COVID-19.** Removes references to conditions of participation from Medicare and Medicaid in the title definitions of "governmental entity" and "private business" that apply to certain statutes related to addressing COVID-19.  
*Senate Status: Health & Welfare passed on 2/2/22; Set on floor on 2/7/22.*  
*House Status: 02/03/22 – Introduced in the House*
- ✓ **SB 1823 by J. Johnson/HB 1867 by Zachary - Employers with mandatory COVID-19 vaccination policies.** Requires employers with a mandatory COVID-19 vaccination policy to grant medical exemptions to any person who provides a statement from a licensed healthcare practitioner who is acting within the practitioner's scope of practice. Grants religious exemptions to any person without requiring proof beyond the person's initial statement. Prohibits employers from taking longer than two business days to render a decision on the request or denying an exemption request without a written explanation. Prohibits employers from discharging or reducing compensation for persons granted an exemption. → **Bill directed at CMS requirements.** ←  
Amendment: House Civil Justice Subcommittee amendment 1 (012693) allows COVID-19 vaccine exemptions for religious or medical reasons. The employer may not terminate, deny request without a valid reason, take longer than ten days to decide on the employee's request. Does not require the employer to rehire the terminated employee before the effective date or interfere with enforceable requirements imposed by the federal centers for Medicare or Medicaid services. A violation by an employer is punishable up to \$10,000.  
*Senate Status: Referred to Commerce & Labor.*  
*House Status: Civil Justice Subcommittee passed on 2/1/22 with amendment 1; Set in Civil Justice on 2/9/22.*
- SB 1982 by Hensley/HB 1871 by Hulsey - Adoption of rules or laws that fail to recognize natural immunity to COVID-19.** Prohibits a governmental entity, LEA, or school from adopting or enforcing a statute, ordinance, rule, policy, or practice arising from COVID-19 that fails to recognize natural immunity as providing a level of immune protection that is at least as protective as a COVID-19 vaccine. Prohibits a

private business from adopting or enforcing a rule, policy, procedure, or practice arising from COVID-19 that fails to recognize natural immunity to COVID-19.

**Senate Status:** *Referred to Health & Welfare.*

**House Status:** *Referred to Health Subcommittee.*

**SB 2151 by Hensley/HB 2452 by Weaver - Medical discrimination based on vaccination status.** Creates an unlawful discriminatory practice for an individual or other governmental entity to withhold or deny service, insurance, or benefits on the basis of vaccination status. Further extends to the hiring process; an employer may not refuse an employee a position on the basis of vaccination status. Prohibits segregation within places of public accommodation on the basis of vaccination status.

**Senate Status:** *02/02/22 - Introduced in the Senate*

**House Status:** *02/02/22 - Introduced in the House*

**SB 2217 by Briggs/HB 2229 by Ramsey - Liability protections related to COVID-19.** Extends the date by which certain COVID-19 liability protections must arise by from July 1, 2022 to July 1, 2023.

**Senate Status:** *02/02/22 - Introduced in the Senate*

**House Status:** *02/02/22 - Introduced in the House*

**SB 2831 by Hensley/HB 1645 by Ogles - Adverse actions against employees due to COVID-19 vaccination status.** Expands the offense of civil rights intimidation to create a Class D felony, punishable by a fine not to exceed \$5,000, for taking adverse action against an employee who has expressly objected to the COVID-19 vaccination based upon the employee's religious beliefs, creed, or conscience, with the intent to unlawfully intimidate or force the employee to obtain a COVID-19 vaccination.

**Senate Status:** *02/03/22 - Introduced in the Senate*

**House Status:** *Referred to Banking & Consumer Affairs Subcommittee.*

## COMMERCIAL LAW

**SB 1832 by Hensley/HB 1664 by Byrd - False reviews about a business posted on internet.** Prohibits posting a review on the internet about a business that is factually false with the intent to defraud the public.

**Senate Status:** *Referred to Commerce & Labor.*

**House Status:** *Referred to Banking & Consumer Affairs Subcommittee.*

## CRIMINAL LAW

**SB 2157 by Hensley/HB 2853 by Kumar - Offense of assault against a first responder.** Changes the offense of assault against a first responder or nurse to assault against a first responder or healthcare provider; defines healthcare provider as a person registered, licensed, or certified under Title 33, Title 63, or Title 68.

**Senate Status:** *02/02/22 - Introduced in the Senate*

**House Status:** *02/03/22 - Introduced in the House*

## EDUCATION

✓ **SB 1770 by Briggs/HB 1681 by Cepicky - Pilot program to award grants to students enrolled in non-credit workforce training programs.** Requires the Tennessee Board of Regents to develop and administer a two-year pilot program to award grants to students enrolled in an eligible program of study at an eligible postsecondary institution. Defines "eligible program of study" as a non-credit, non-academic workforce training program operated by an eligible postsecondary institution with defined curriculum, objectives, and exit skill requirements that leads to an industry certification or an industry-validated

certification, including a pre-apprentice line-worker academy program. Specifies eligibility requirements for grants under the program.

**Amendment:** Senate Education Committee amendment 1, House Education Administration Committee amendment 1 (012583) requires the Tennessee Board of Regents (TBR) to develop and administer a two-year pilot program beginning in academic year 2022-2023 for the purpose of awarding grants to students enrolled in non-credit workforce training programs, including pre-apprentice lineworker programs. Eligible institutions include any TBR community college or Tennessee College of Applied Technology (TCAT) that offers a program that leads to an industry-validated certification. Outlines specific qualifications for student grant eligibility. Requires TBR to establish the amount of a grant awarded. Requires TBR to collect and analyze certain data throughout the pilot program and submit the outcome of such data to the Education Committee of the Senate and to the Education Administration Committee and Education Instruction Committee of the House of Representatives no later than June 30, 2024.

**Senate Status:** *Education passed on 2/2/22 with amendment 1; Sent to Finance.*

**House Status:** *Education Administration passed on 2/2/22 with amendment 1; Sent to Government Operations.*

## EMPLOYMENT

- ✓ **SB 2297 by Pody/HB 1636 by Griffey - Use of e-verification program by employers.** Requires employers to use the E-Verify program to verify the work eligibility of an employee. Defines the "E-Verify program" as the federal electronic employment verification service provided by the department of homeland security for verification of the work eligibility of new employees. Establishes a presumption that an employer did not employ an illegal alien if it was verified through the E-Verify program that the employee was eligible to work. Removes immunity from charges of the employment of illegal aliens due to an employer's reliance on other forms of verification.

**Senate Status:** *02/02/22 – Introduced in the Senate*

**House Status:** *Set in Banking & Consumer Affairs Subcommittee on 2/9/22.*

## FAMILY LAW

- ✓ **SB 1678 by Gardenhire/HB 1736 by Alexander - Definition of abuse.** Adds controlling, regulating, monitoring, or depleting the finances, economic resources, credit, or ability to work or pursue education or job training of an adult to the definition of "abuse" under the domestic abuse statute.

**Senate Status:** *Set in Judiciary on 2/8/22.*

**House Status:** *Referred to Children & Family Affairs Subcommittee.*

### **SB 1919 by Walley/HB 2025 by Littleton - Wage rate for service providers who have contracts with DCS.**

Requires the wage rate paid by the department to each service provider with whom the department contracts to provide care or services for children to be adjusted annually to reflect the average percentage pay increase provided for state employees by the general appropriations act. → **Just following due to rate increase for DCS.** ←

**Senate Status:** *Referred to Judiciary.*

**House Status:** *Referred to Children & Family Affairs Subcommittee.*

## GOVERNMENT ORGANIZATION

- ✓ **SB 1699 by Roberts/HB 1780 by Ragan - Sunset - board of respiratory care.** Extends the board of respiratory care to June 30, 2028.  
*Senate Status:* **Government Operations passed on 2/2/22; Set on floor on 2/7/22.**  
*House Status:* **Set in Government Operations on 2/7/22.**
- ✓ **SB 1700 by Roberts/HB 1781 by Ragan - Sunset - bureau of TennCare within the department of finance and administration.** Extends the bureau of TennCare within the department of finance and administration to June 30, 2026.  
*Senate Status:* **Set in Government Operations on 2/9/22.**  
*House Status:* *Referred to Government Operations.*
- ✓ **SB 1713 by Roberts/HB 1794 by Ragan - Sunset - housing development agency, board of directors.** Extends the housing development agency, board of directors to June 30, 2027.  
*Senate Status:* **Set in Government Operations on 2/9/22.**  
*House Status:* *Referred to Government Operations.*
- SB 1724 by Roberts/HB 1805 by Ragan - Sunset - state university and community college system, board of regents.** Extends the state university and community college system, board of regents to June 30, 2026.  
*Senate Status:* *Referred to Government Operations.*  
*House Status:* *Referred to Government Operations.*
- ✓ **SB 1730 by Roberts/HB 1811 by Ragan - Sunset - Tennessee emergency medical services board.** Extends the Tennessee emergency medical services board to June 30, 2027.  
*Senate Status:* **Set in Government Operations on 2/9/22.**  
*House Status:* *Referred to Government Operations.*
- SB 1756 by Reeves/HB 1673 by C. Johnson - Central database of information regarding grant recipients for monitoring purposes.** Requires chief procurement officer to establish and maintain a central database of information regarding grant recipients and sub-recipients for monitoring purposes. Requires all state agencies use the central database and to update information in the database. Requires chief procurement officer to implement rules, policies, and procedures regarding the grant management process.  
*Senate Status:* *Referred to State & Local Government.*  
*House Status:* *Referred to Department & Agencies Subcommittee.*

## HEALTH CARE

- SB 1749 by Reeves/HB 1686 by R. Williams - Respite care pilot program for caregivers of individuals with Alzheimer's.** Enacts the "Colonel Thomas G. Bowden Act," which establishes a respite care pilot program for caregivers of individuals with Alzheimer's and related dementia to provide home and community-based services. → **Alzheimer's Association initiative. TAHC is supportive.** ←  
*Senate Status:* *Referred to Health & Welfare.*  
*House Status:* *Referred to Health Subcommittee.*
- ✓ **SB 1966 by Jackson/HB 1981 by Marsh - Emergency first responders to assist EMTs.** Defines emergency medical responders and emergency medical services apprentice. Creates new categories of emergency first responders to assist EMT's with job tasks such as responding to emergencies, driving ambulances, and engaging in limited medical interventions. Requires these persons to obtain EMT license within a certain window of time.

*Senate Status:* Referred to Health & Welfare.  
*House Status:* **Set in Health Subcommittee on 2/8/22.**

**SB 2185 by Walley/HB 2290 by Gant - Patient Right to an Advocate Act.** Prohibits a healthcare institution from restricting a patient from having at least one advocate, selected solely by the patient, present with the patient at all times during the patient's stay in the healthcare institution to assist the patient in making healthcare decisions. → **Watching.** ←

*Senate Status:* 02/02/22 - Introduced in the Senate  
*House Status:* 02/02/22 - Introduced in the House

**SB 2234 by Jackson - Availability of healthcare personnel in healthcare facilities during a healthcare staffing crisis.** Authorizes the commissioner of health and the commissioner of mental health and substance abuse services to allow certain rules to not be applied to certain healthcare professionals and students in order for those persons to operate outside of normal licensure requirements during a healthcare staffing crisis; requires certain notice to governor and speakers of the senate and house of representatives and the commissioner may impose geographic and time limitations on the measures authorized by this section but shall not extend the measures for longer than 180 days, unless the commissioner provides an additional finding addressed to the governor and the speakers of the senate and house of representatives that a healthcare staffing crisis still exists.

*Senate Status:* 02/02/22 - Introduced in the Senate

**SB 2235 by Jackson - Availability of healthcare personnel in healthcare facilities.** Authorizes the commissioner of health and the commissioner of mental health and substance abuse services to allow certain rules to not be applied to certain healthcare professionals and students in order for those persons to operate outside of normal licensure requirements. Authorizes the department of health and department of mental health and substance abuse services to promulgate rules to effectuate the purposes of this act.

*Senate Status:* 02/02/22 - Introduced in the Senate

**SB 2304 by Massey/HB 2213 by Hazlewood - Task force to review healthcare workers' reimbursements and wages.** Creates a healthcare task force designated to review the reimbursement of health professionals employed by agencies performing healthcare services in this state. Task force is administratively attached to the department of health and is composed of thirteen members. Requires the task force to submit an interim progress report of its findings and recommendations to both speakers and the chair for both the house and senate health committees no later than July 1, 2023. → **Sen. Massey filed this to create a plan for staffing pay increases so we and other groups do not have to beg every 10 years.** ←

*Senate Status:* 02/02/22 - Introduced in the Senate  
*House Status:* 02/02/22 - Introduced in the House

## INSURANCE HEALTH

✓ **SB 1769 by Briggs/HB 1752 by R. Smith - Coverage of emergency services.** Prohibits a health benefit plan from denying coverage for emergency services obtained in certain medical facilities, including a hospital, satellite emergency department facility, freestanding emergency room, urgent care center, or physician's office.

*Senate Status:* Referred to Commerce & Labor.  
*House Status:* **Insurance Subcommittee passed on 2/1/22; Set in Insurance on 2/8/22.**

**SB 1804 by Reeves/HB 1751 by Whitson - Uniform claim forms - reporting by healthcare providers.** Requires the commissioner of commerce and insurance to make the prescribed claim forms for reporting by healthcare providers available to healthcare providers on the department's website. → **Caption bill.** **Opens Titles 8, 56, 68 and 71.** ←

*Senate Status:* Referred to Commerce & Labor.  
*House Status:* Caption bill held on clerk's desk.

**SB 1846 by Watson/HB 1843 by Terry - Expands the definition of provider-based telemedicine.** Expands the definition of provider-based telemedicine to include HIPAA compliant audio-only conversations for the provision of healthcare services beyond behavioral health services when other means are unavailable.

→ **TMA bill.** ←

*Senate Status:* Referred to Commerce & Labor.  
*House Status:* Referred to Insurance Subcommittee.

**SB 2134 by Reeves/HB 2048 by Jernigan - Coverage determinations for complex rehabilitation technology.**

Requires health insurers to offer a prior authorization process for complex rehabilitation technology, classified within Medicare as certain power and manual wheelchairs. Prohibits health insurers from denying the full cost of such equipment if it has advised a covered person that the equipment will be fully covered. Prohibits a health insurer from considering the location where complex rehabilitation technology will be used when making a medical necessity determination. → **Insurance mandate.** ←

*Senate Status:* 02/02/22 - Introduced in the Senate  
*House Status:* Referred to Insurance Subcommittee.

## MENTAL HEALTH

**SB 2137 by Reeves/HB 2250 by Vaughan - Individuals authorized to complete certificates of need.**

Authorizes an advanced practice registered nurse who has a certification as a psychiatric-mental health advanced practice nurse and physician assistant who has a certification as having additional qualifications in psychiatry and are working under the supervision of a licensed physician to complete a certificate of need for emergency diagnosis, evaluation, and treatment. Removes requirement that only a physician may complete a second certificate of need in support of hospitalization when the first certificate was completed by a non-physician.

*Senate Status:* 02/02/22 - Introduced in the Senate  
*House Status:* 02/02/22 - Introduced in the House

## PROFESSIONS & LICENSURE

**SB 1848 by Watson/HB 2561 by Terry - Occupational Therapy Licensure Compact.** Facilitates interstate practice of occupational therapy for the purposes of improving public access to occupational therapy through mutual recognition of member state licenses. Maintains regulatory authority through the current state licensure system. Clarifies applicable definitions and establishes guidelines for state and licensee participation. Establishes the Occupational Therapy Compact Commission and specifies duties and powers of commission. Requires each member state to have one delegate to the commission selected by the member state's licensing board. Specifies requirements for delegates. Requires the commission to provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. Also enacts the "Audiology and Speech-Language Pathology Interstate Compact" to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. Specifies requirements for member state participation in the compact. Creates the Audiology and Speech-Language Pathology Compact Commission and specifies duties and powers of commission, including rulemaking authority. Also specifies requirements for delegates to commission.

*Senate Status:* Referred to Health & Welfare.  
*House Status:* 02/03/22 - Introduced in the House

**SB 1927 by B. Powers/HB 1917 by Whitson - Notification to the applied behavioral analyst licensing committee.** Reduces the time within which a licensed assistant behavioral analyst must notify the licensing committee of a change in their supervision status from 10 to 5 days.

*Senate Status:* Referred to Health & Welfare.

*House Status:* Referred to Health Subcommittee.

**SB 2295 by Bell/HB 2545 by Alexander - Qualifications for certification as a medication aide.** Makes various changes to the qualifications for certification as a medication aide by the board of nursing including age and schooling. Permits graduates of certain nursing programs to perform the duties of a medication aide if certain conditions are met including qualifications and applications requirements. → **Do we care? Or do medication aides only work at nursing homes?** ←

*Senate Status:* 02/02/22 - Introduced in the Senate

*House Status:* 02/03/22 - Introduced in the House

## TENNCARE

✓ **SB 1872 by Yager/HB 1719 by Reedy - Assessment on ground ambulance service providers.** Extends the expiration date for the ground ambulance provider assessment from June 30, 2022, to June 30, 2023. Requires, if the quarterly transport data is not adequate or available for the calculation of medicaid ambulance provider assessments, that the bureau of TennCare use total transports submitted to the office of emergency medical services for calendar year 2021, instead of using such data for calendar year 2020.

*Senate Status:* Referred to Commerce & Labor.

*House Status:* **Insurance Subcommittee passed on 2/1/22; Set in Insurance on 2/8/22.**

**SB 1956 by Haile/HB 1985 by Hazlewood - Annual Coverage Assessment Act of 2022.** Establishes annual coverage assessment on each covered hospital licensed as of July 1, 2022, for fiscal year 2021-2022.

*Senate Status:* Referred to Health & Welfare.

*House Status:* Referred to Insurance Subcommittee.

**SB 2276 by Pody/HB 2486 by Warner - TennCare report date on quality and outcomes of perinatal care.** Changes the date TennCare must have their annual report on quality and outcomes of perinatal care submitted from March 1st to March 30th.

*Senate Status:* 02/02/22 - Introduced in the Senate

*House Status:* 02/02/22 - Introduced in the House

**SB 2319 by Rose/HB 2840 by Camper - Development of program similar to Emergency Triage, Treat, and Transport.** Requires the bureau of TennCare to, in consultation with and approval of the commissioner of finance and administration, develop and implement a program substantially similar to the federal centers for medicare and medicaid services' Emergency Triage, Treat, and Transport model for emergency services.

*Senate Status:* 02/02/22 - Introduced in the Senate

*House Status:* 02/03/22 - Introduced in the House

## VULNERABLE ADULTS

**SB 432 by Rose/HB 628 by Gillespie - Copy of judgment of conviction of person who committed elder abuse.** Authorizes electronic transmission of the copy of a judgment of conviction of a person for committing certain offenses of abuse of an elderly or vulnerable adult that is required to be sent to the department of health by clerks of the court.

**Amendment:** Senate Judiciary Committee amendment 1 (005648) deletes all language after the enacting clause. Requires all fines imposed for a violation of financial exploitation of elderly or vulnerable adults, neglect of an elderly or vulnerable adult, aggravated neglect of an elderly or vulnerable adult, abuse of an elderly or vulnerable adult, aggravated abuse of an elderly or vulnerable adult, and sexual exploitation of an elderly or vulnerable adult to be paid to the clerk of the court imposing the sentence and credited to the General Fund. Makes such funding subject to appropriation to the District Attorneys Conference (DAC) for the exclusive purpose of funding services for victims of abuse, neglect, financial exploitation, or sexual exploitation of elderly or vulnerable persons and educational programs to prevent such abuse, neglect, or exploitation.

***Senate Status:*** *Taken off notice in Finance, Ways & Means on 1/25/22.*

***House Status:*** *Referred to Criminal Justice Subcommittee.*

## **WELFARE**

**SB 1901 by Briggs/HB 1931 by Zachary - Pilot program to provide childcare payments to eligible relative caregivers.** Establishes a five-year pilot program to provide childcare payments to eligible relative caregivers. Requires the department of children's services to publish an annual report and to make recommendations for statewide expansion to the judiciary committee of the senate and the civil justice committee of the house of representatives after the third year. Defines "relative caregiver" and requires that the 2020 federal census be the basis for the program's population requirements. Outlines program participant requirements. Stipulates that no funds should be expended unless specifically funded by the general appropriations act.

***Senate Status:*** *Referred to Judiciary.*

***House Status:*** *Referred to Children & Family Affairs Subcommittee.*