

# eLoop eXtra

Volume 2, Issue 5 Tennessee Commission on Aging and Disability

April 2010

## Aging Legislative Report

### AGING

**[\\*HB 2520](#)** by **[\\*Faulkner](#)** ( **[SB 2623](#)** by **[\\*Faulk](#)**)

Aged Persons - As introduced, includes Campbell County and Union County in the list of participating counties on the residential home for the aged program. - Amends TCA Section 12-4-320.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2520> **Placed Behind the Budget**

**[\\*SB 2823](#)** by **[\\*Finney L](#)** ( **[HB 3532](#)** by **[\\*Maddox](#)**)

Elderly Persons - As introduced, requires certain reports to and by the select committee on long-term care concerning recent long-term care reform legislation. - Amends TCA Title 68 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2823> P2C, ref. to S.GW,H&HR Comm. 01/28/2010. Assigned to s/c Health Care Facilities of HHR

**[SB 2832](#)** by **[\\*Berke](#)** ( **[\\*HB 2778](#)** by **[\\*Hackworth](#)**)

Abuse - As introduced, authorizes concerned family members to obtain court order to intercede when an adult is subject to abuse, neglect, or exploitation. - Amends TCA Title 71, Chapter 6, Part 1.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2832>.

**[\\*SB 3209](#)** by **[\\*Finney L](#)** ( **[HB 3529](#)** by **[\\*Maddox](#)**)

Aged Persons - As introduced, adds implementation of the Long-Term Care Choices Act of 2008 to the required duties of the commission on aging and disability and requires the commission to report annually on such activities to the select oversight committee on long-term care. - Amends TCA Title 4; Title 8; Title 13; Title 33; Title 34; Title 49; Title 55; Title 56; Title 67; Title 68 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3209> **Action Def. in S.GW,H&HR Comm. to 4/19/2010; Action Def. in Health & Human Resources Committee to 4/20/2010**

**[\\*HJR 0748](#)** by **[\\*Hardaway](#)**

General Assembly, Studies - Creates special joint committee to study provision of free telephones to certain at-risk citizens. -

### CRIMINAL

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HJR0748>. **Action def. in Commerce Committee to 4/20/2010**

**[\\*HB 2941](#)** by **[\\*Hackworth](#)** ( **[SB 2903](#)** by **[\\*McNally](#)**)

Elderly Persons - As introduced, revises missing senior citizen alert program to remove age and other requirements for the citizen and to urge the search for such persons to begin immediately. - Amends TCA Section 38-6-121.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2941> **Signed by Governor**

**[SB 2501](#)** by **[\\*Haynes](#)** ( **[\\*HB 2503](#)** by **[\\*Moore](#)**)

Consumer Protection - As introduced, creates an offense, classified as a Class A misdemeanor, for intentionally concealing or misrepresenting the telephone number utilized by ADAD equipment. - Amends TCA Title 47, Chapter 18, Part 15.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2501> **Signed by Governor; Pub. Ch. 684**

### CEMETERY & FUNERAL SERVICES

**[SB 3411](#)** by **[\\*Crowe](#)** ( **[\\*HB 3293](#)** by **[\\*Fitzhugh](#)**) z

Death - As introduced, sets the priority as to who has the right to dispose of a dead body through cremation. - Amends TCA Title 62, Chapter 5, Part 5.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3411> **Placed on S. Jud Comm. cal. for 04/20/2010; . Passed H., as am., Ayes 98, Nays 0**



**[\\*HB 2625](#) by [\\*Dunn](#) ( [SB 2655](#) by [\\*Johnson](#) )**

Contractors - As introduced, punishes as theft certain actions of persons performing home improvement services; requires the board of licensing contractors to post information on its web site when the board disciplines a contractor or home improvement service provider or contractor; requires the board to revoke a license it issues in certain circumstances. - Amends TCA Title 39; Title 47 and Title 62.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2625> Action Def. in s/c Budget of FW&M to last calendar

## ESTATES & TRUSTS

**[\\*SB 2552](#) by [\\*Ketrone](#) ( [HB 2668](#) by [\\*Coleman](#) )**

Guardianship - As introduced, removes brokerage firms from definition of "financial institution" for purposes of determining whether to require a conservatorship or guardianship bond and whether to approve certain investments. - Amends TCA Title 34, Chapter 1, Part 1.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2552> . . Signed by H. Speaker; Signed by S. Speaker

**[\\*HB 2649](#) by [\\*Tidwell](#) ( [SB 3074](#) by [\\*Herron](#) )**

Estates - As introduced, permits the filing of a petition to probate a will in a small estate solely for the purpose of establishing muniment of title to real estate and personal property.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2649> Assigned to s/c Civil Practice and Procedure of JUD 01/27/2010.

**[\\*SB 0444](#) by [\\*Overbey](#) ( [HB 0608](#) by [\\*Stewart](#) )**

Guardianship - As introduced enacts the "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act." - Amends TCA Title 34 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0444> Transmitted to Gov. for action.

## GOVERNMENT ORGANIZATION

**[\\*SB 3210](#) by [\\*Finney L](#) ( [HB 3430](#) by [\\*McDonald](#) )**

Aged Persons - As introduced, requires the select oversight committee on long-term care to review the implementation efforts of the commission on aging and disability for the Long-Term Care Choices Act of 2008 requires a report to the committee concerning the nursing home transition initiative in the same act by the commissioner of finance and administration. - Amends TCA Title 68 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3210> Caption Bill, held on desk - pending amdt. 02/03/2010

## HEALTH CARE

**[\\*SB 3211](#) by [\\*Finney L](#) ( [HB 3531](#) by [\\*Maddox](#) )**

Hospitals and Health Care Facilities - As introduced, requires the board for licensing health care facilities to consider the rights enacted for nursing home residents in developing rules for specific rights for adult care home residents. - Amends TCA Title 68, Chapter 11 and Title 56, Chapter 32.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3211> caption bill, held on desk - pending amdt. 02/03/2010

**[\\*HB 2655](#) by [\\*Maggart](#) ( [SB 2639](#) by [\\*Black](#) )**

Pharmacy, Pharmacists - As introduced, requires a notification of interchange option on a prescription before permitting the interchange. - Amends TCA Title 53, Chapter 10.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2655> Action Def. in Health & Human Resources Committee to 4/20/2010; Rec. for pass. w/ am., ref. to S. FW&M Comm. Ayes 9, Nays 0 PNV 00

**[HB 2585](#) by [\\*Shepard](#) ( [\\*SB 2541](#) by [\\*Overbey](#) )**

Pharmacy, Pharmacists - As introduced, establishes that a prescription order from a prescriber who has died shall be honored for a period not to exceed six months from the date of death of the prescriber. - Amends TCA Title 53, Chapter 10 and Title 63.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2585> Signed by Governor.

**[HB 3368](#) by [\\*Maggart](#) ( [\\*SB 3144](#) by [\\*Black](#) )**

Health Care - As introduced, clarifies nurses who can work with medication aides. - Amends TCA Title 63.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB3368> Action Def. in Health & Human Resources Committee to 4/20/2010

**[\\*SB 3853](#) by [\\*Kyle](#) ( [HB 3813](#) by [\\*DeBerry L](#) )**

Health Care - As enacted, revises the list of licenses a Level 2 adult care home provider serving residents with traumatic brain injury or a resident manager employed by the provider must hold to include a "licensed rehabilitation professional or licensed mental health professional" instead of a "respiratory therapist." - Amends TCA Section 68-11-209. **Signed by Governor; Pub. Ch. 642**

**SB 3249 by \*Tate ( \*HB 3212 by \*Lollar)**

Hospitals and Health Care Facilities - As introduced, increases from two to four the minimum number of hours of direct care that nursing homes must provide to each patient every day. - Amends TCA Title 68, Chapter 11.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3249> Caption Bill, held on desk - pending amdt.

**SB 3341 by \*McNally ( \*HB 3526 by \*Maddox)**

Health Care - As introduced, creates a stand-alone "department of intellectual and developmental disabilities." - Amends TCA Title 2; Title 3; Title 4; Title 8; Title 12; Title 33; Title 36; Title 37; Title 39; Title 40; Title 41; Title 45; Title 49; Title 50; Title 53; Title 55; Title 56; Title 57; Title 63; Title 67; Title 68 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3341> Rec. for pass. w/ am., ref. to S. FW&M Comm. Ayes 7, Nays 0 PNV 0; Placed on s/c cal Budget of FW&M for 04/21/2010 .

**\*HB 3139 by \*Brooks H ( SB 3338 by \*Henry)**

Mental Retardation - As introduced, changes references in several titles of Tennessee Code Annotated from "mental retardation" to "intellectual disability." - Amends TCA Title 33; Title 39; Title 41 and Title 49

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB3139> **Signed by Governor.**



**\*SB 2495 by \*Overbey ( HB 2561 by \*Richardson)**

Mental Health and Developmental Disabilities, Dept. of - As introduced, requires the chief officer of a hospital or other residential service facility to provide notice of admission to a recipient's attorney-in-fact acting under a durable power of attorney for health care; prohibits a treatment review committee from overriding a decision made by the attorney-in-fact. - Amends TCA Title 33. <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2495> Assigned to s/c Health Care Facilities of HHR

**\*SB 2563 by \*Bunch ( HB 2651 by \*Brooks K)**

Medical Occupations - As introduced, enacts the Colby Stansberry Act to regulate the release of medical or hospital records only upon the informed consent of the patient or the patient's authorized representative. - Amends TCA Title 63, Chapter 2, Part 1 and Title 68, Chapter 11, Part 15.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2563> Comp. HB Subst (sends SB to dead bill file)

**\*SB 2490 by \*Black ( HB 2654 by \*Maggart)**

Health Care - As introduced, prohibits any provision of law from compelling any person, health care provider, or employer from participating in any health care system. - Amends TCA Title 56; Title 63; Title 68 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2490> Assigned to s/c Industrial Impact of COM.

**SB 2560 by \*Black ( \*HB 2622 by \*Lynn)**

Health Care - As introduced, prohibits the legislature from requiring any person to participate in any health care system or plan. - Amends TCA Title 56; Title 63; Title 68 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2560> Action def. in Commerce Committee to 4/20/2010

**HB 3813 by \*DeBerry L ( \*SB 3853 by \*Kyle)**

Health Care - As introduced, revises the list of licenses a Level 2 adult care home provider serving residents with traumatic brain injury or a resident manager employed by the provider must hold to include a "licensed rehabilitation professional or licensed mental health professional" instead of a "respiratory therapist." - Amends TCA Section 68-11-209.

<http://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB3813> **Signed by Governor; Comp. became Pub. Ch. 642**

## TENNCARE

### [SB 3409](#) by [\\*Crowe](#) ([\\*HB 3485](#) by [\\*Ferguson](#))

TennCare - As introduced, creates a cabinet level department for TennCare. - Amends TCA Title 3; Title 4; Title 56 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3409> Taken Off Notice For Cal. in: Government Operations Committee

### [\\*SB 3477](#) by [\\*Jackson](#) ([HB 3769](#) by [\\*Shepard](#))

TennCare - As introduced, requires the commissioner of finance and administration to report to the select oversight committee on TennCare by January 31, 2011, concerning certain options for health care coverage for certain recent TennCare disenrollees. - Amends TCA Title 50; Title 56 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3477> Caption bill, held on desk-pending amendment.

### [\\*SB 0460](#) by [\\*Black](#) ([HB 0935](#) by [\\*Ferguson](#))

TennCare - As introduced, requires the commissioner of finance and administration to report to certain legislative committees concerning effects of the nursing home transition initiative and authorizes the select oversight committee on long-term care to review outreach efforts relating to the Options program for community-based long-term care. - Amends TCA Title 68 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0460> . Assigned to Gen. Sub of S. GW,H&HR Comm. Assigned to s/c Health Care Facilities of HHR

### [SB 3460](#) by [\\*Stewart](#) ([\\*HB 3612](#) by [\\*Matheny](#))

TennCare - As introduced, requires the bureau of TennCare to seek a federal waiver to provide bridge Medicaid eligibility to persons formerly eligible due to SSI who were disenrolled from TennCare pursuant to eligibility redeterminations pursuant to Daniels v Goetz until such persons become eligible for Medicare. - Amends TCA Title 50; Title 56 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3460> Ref. to Commerce Committee

### [SB 3619](#) by [\\*Watson](#) ([\\*HB 3393](#) by [\\*Hensley](#))

TennCare - As introduced, makes physical therapy, occupational therapy, and speech and language pathology services available as essential services under medical assistance on and after July 1, 2010. - Amends TCA Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB3619> Rec. for pass; ref to S. FW&M Comm.; Action Def. in s/c Budget of FW&M to 4/28/2010

### [HB 3719](#) by [\\*Bass](#) , Cobb T ([\\*SB 3478](#) by [\\*Jackson](#))

TennCare - As introduced, makes private duty nursing services for certain quadriplegics a covered medical

service under TennCare. - Amends TCA Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB3719> Placed Behind the Budget

## INSURANCE AUTOMOBILE

### [\\*SB 2570](#) by [\\*Faulk](#) ([HB 3265](#) by [\\*Johnson P](#))

Insurance, Motor Vehicles - As introduced, authorizes accident prevention courses that qualify for premium rate reductions for older drivers to be offered online, subject to the approval of the commissioner of commerce and insurance. - Amends TCA Section 56-7-1107.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2570> Signed by Governor. Pub. Ch. 617; effective 03/02/2010.

## INSURANCE HEALTH

### [\\*SB 2490](#) by [\\*Black](#) ([HB 2654](#) by [\\*Maggart](#))

Health Care - As introduced, prohibits any provision of law from compelling any person, health care provider, or employer from participating in any health care system. - Amends TCA Title 56; Title 63; Title 68 and Title 71.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2490> Assigned to s/c Industrial Impact of COM 02/10/2010

## JUDICIARY

### [\\*HB 2514](#) by [\\*Pitts](#) ([SB 2719](#) by [\\*Overbey](#))

Tennessee Bureau of Investigation - As introduced, authorizes TBI to establish a pilot project until June 30, 2013, for law enforcement officers to receive certain prescription drugs that are narcotics and controlled substances in order to dispose of them. - Amends TCA Title 38; Title 53 and Title 63.

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2514> Assigned to s/c Criminal Practice and Procedure of JUD 02/02/2010

