



**TENNESSEE DEPARTMENT OF MENTAL HEALTH
– 2011 LEGISLATIVE SUMMARY –**

P.C. #	SB	HB	<p style="text-align: center;">Summary- To view a Public Chapter from this list, visit: http://tnsos.org/acts/PublicActs.107.php?showall .</p> <p style="text-align: center;">To view a bill from this list, visit: http://www.legislature.state.tn.us/.</p>	T.C.A.
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Mental Health Related Legislation

PC 0142 (effective 05/02/2011)	1532*	1996	CRIMINAL LAW: Mental health evaluations in certain not guilty verdicts. Authorizes a court to order defendants who are in custody and are found not guilty by reason of insanity of a felony offense against the person, such as felony sex offenses, assaults, kidnappings, and robberies, to remain in custody after the verdict to receive an outpatient mental health evaluation. (Part of Administration Package)	33-07-0303
PC 0426 (effective 07/01/2011)	1707	1979*	EDUCATION: Funding to licensed residential treatment centers. Requires local boards of education to allocate funding to licensed residential mental health treatment facilities where students have been admitted in an amount	Titles 33, 37, 41, and 49

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equal to the per pupil state and local funding received by the LEA. Funding shall be transferred on a prorated daily basis for the length of a student's stay provided that the residential mental facility operates as a Category I special purpose school, the student who has been admitted is enrolled in the LEA, and the student is admitted under a written physician's order that is based on medical necessity. This funding shall be in addition to all funding allocated pursuant to federal law and regulation. Requires the State Board of Education to promulgate rules and regulations for the allocation of this funding.

PC 0106
(effective
04/21/2011)

0868

0575*

CRIMINAL LAW: Police training - responding to persons with mental illness. Specifies that police officers' currently required training in responding to people with mental illness must be done annually.

38-08-0119

PC 0045
(effective
04/06/2011)

0379*

0397

HEALTH CARE: Sheriff's duty to transport persons to treatment facilities. Requires the county initially transporting an individual to a hospital or treatment resource for a mental health screening, evaluation, diagnosis, or hospitalization to be responsible for the remainder of such person's

33-06-0901

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transportation requirements. Transportation requirements continue even if the person is assessed, diagnosed, screened, or evaluated in a second county before being admitted to a facility, hospital, or treatment resource in a third county. Authorizes a secondary transporting county to bill the initial transporting county for transportation costs.

Disability/Developmental Disability/Intellectual Disability Related Legislation

PC 0226 (effective 07/01/2011)	0072*	0389	<p>HEALTH CARE: Autism Awareness Recognition Day. Requires the Governor to designate one day each year in the month of April as "Autism Awareness Recognition Day."</p>	04-01-0400 04-01-0409
PC 0197 (effective 05/12/2011)	0818*	1134	<p>GOVERNMENT ORGANIZATION: Updates references to intellectual disabilities. Replaces the terms "mental retardation" and "retardation" within Tennessee Code Annotated with "intellectual disability" and "disability" regarding sport fishing regulations and medical assistance programs through the Medicaid program.</p>	70-02-0104 71-05-0107
PC 0047 (effective 07/01/2011)	0850*	1089	<p>GOVERNMENT ORGANIZATION: Updates terminology regarding individuals with disabilities. Updates terminology related to individuals with disabilities throughout</p>	Titles 1, 4, 7, 8, 11, 13, 16, 20, 27, 28, 29, 30, 32, 34,

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TN Code. Clarifies that nothing in the bill is meant to alter eligibility for services for individuals who are covered by these provisions prior to passage.

36, 37, 39, 49, 50, 54, 55, 56, 62, 66, 67, 68, 69, 70, and 71

PC 0158
(effective
05/05/2011)

1533*

1997

HEALTH CARE: Redefinition of developmental and intellectual disability. Redefines "developmental disability" and "intellectual disability." Replaces the terms "mental retardation" and "mentally retarded" throughout Tennessee Code Annotated with "intellectual disability," "intellectually disabled," "people with intellectual disability," or "intellectual or developmental disability." Replaces references to the "Division of Intellectual Disabilities Services" and "DIDS" with "Department of Intellectual and Developmental Disabilities" and "DIDD." Specifies that the eligibility criteria for medical assistance programs and services for persons with intellectual or developmental disabilities, pursuant to present law regarding programs and services for poor persons, would be established by the bureau of TennCare, and set forth in the medicaid state plan, federal waivers, or in rules promulgated by the bureau of TennCare, and would be subject to the availability of funding in each year's general appropriations

33-01-0101
33-01-0309
33-02-0402
33-02-0408
33-03-0108
33-05-0100
33-05-0110
Etc.

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act. Similarly, eligibility criteria for state-funded programs and services for persons with intellectual or developmental disabilities would be established by the department of intellectual and developmental disabilities and set forth in department rules, and would be subject to the availability of funding in each year's general appropriations act. Restores the present law definition of "intellectual disability." Specifies that such definition of "intellectual disability" would apply only for the purposes of the general functions of the department of intellectual disabilities. Under such present law, the general functions of the department are to coordinate, set standards for, plan for, monitor, and promote the development and provision of services and supports to meet the needs of persons with intellectual and developmental disabilities through the public and private sectors in this state.

Alcohol and Drug Related Legislation

PC 0221 (effective 07/01/2011)	0096*	0149	CRIMINAL LAW: Drug felony offenders not eligible for TANF for 5 years. In order for a person convicted of a felony drug offense on or after July 1, 2011 to be eligible for the Families First program that person has to complete a	71-03-0154
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substance abuse program within three attempts. If such person does not complete the program within three attempts, the person will be ineligible for the Families First program for three years. Persons convicted of a second felony drug offense on or after July 1, 2011, are ineligible to receive Families First benefits for a period of three years from the date of conviction.

PC 0397 (effective 07/01/2011)	0343*	0391	<p>TRANSPORTATION VEHICLES: DUI - revocation of driver license on third offense. Increases the minimum time that a driver license may be revoked for third and fourth and subsequent DUI convictions from three and five years to six and eight years.</p>	55-10-0400 55-10-0403
PC 0298 (effective 05/27/2011)	0480	0140*	<p>CRIMINAL LAW: Ignition interlock and restricted license requirements. Deletes, amends, and reorganizes the current code language to clarify the ignition interlock and restricted license requirements and limitations for specific DUI offenders.</p>	Titles 7, 29, 37, 38, 39, 40, 41, 49, 55, 68, and 71
PC 0310 (effective 07/01/2011)	1003	0954*	<p>JUDICIARY: Access to the controlled substances database revised. Allows law enforcement and TDMH personnel access the Controlled Substance Monitoring</p>	53-10-0300 53-10-0302 53-10-0304

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			<p>Database. Specific to TDMH, this bill authorizes the following personnel of the Department of Mental Health to access the Database: the chief pharmacist, the state opioid treatment authority, and the medical director.</p>	53-10-0306
PC 0292 (effective 07/01/2011)	1265	1051*	<p>CRIMINAL LAW: "I HATE METH". Broadens the definition of child endangerment to include a parent or custodian of a child eight years of age or younger who knowingly exposes a child to the process of manufacturing methamphetamine. Prohibits pharmacies from selling more than three- and six-tenths grams per day or more than nine grams per thirty-day period of non-exempt methamphetamine (ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomer) to the same person. These limits apply to the total amount of base ephedrine or pseudoephedrine contained in the products, and not the overall weight of the products. Such prohibition does not apply to a person who obtains the product or products pursuant to a valid prescription issued by a licensed healthcare practitioner authorized to prescribe in Tennessee. Requires the pharmacist or pharmacy intern to counsel a person seeking to purchase an over-the-counter product containing pseudoephedrine or ephedrine as to the</p>	Title 39, 40 (in general) 39-15-0401

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reason for needing the product and authorizes the pharmacist or pharmacy intern to decline the sale if he or she believes the sale is not for a legitimate medical purpose. Deletes the current option for a pharmacy to maintain a written register in lieu of an electronic record. Requires, by January 1, 2012, each pharmacy in Tennessee to have in place and operational all equipment necessary to access and use the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI). Requires the NPLEx system to be free to the pharmacies and to the State of Tennessee. Effective January 1, 2012, prior to completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine not otherwise excluded, a pharmacy shall electronically submit the required information to the NPLEx system and prohibits the pharmacy from completing the sale if NPLEx generates a stop sale alert indicating that the completion of the sale would result in violation of the established quantity limits, unless reasonable fear of imminent bodily harm is present. Authorizes only law enforcement officials, health care professionals, and pharmacists to use the data entered into NPLEx, and only for controlling the sale of methamphetamine

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precursors. If for any reason the NPLeX system no longer functions, is no longer in existence, is no longer offered to the State without cost, or is otherwise no longer available, each pharmacy shall switch to and commence using the Tennessee Methamphetamine Intelligence System (TMIS) as soon as the necessary equipment is made available at no charge to the pharmacy. Requires TMIS to be available for access and use free of charge to the pharmacies. If a pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine experiences mechanical or electronic failure of the tracking system and is unable to comply with the requirements, the pharmacy must maintain a written log until such time the pharmacy is able to comply with the electronic sales tracking requirement. Authorizes a pharmacy to seek an exemption from submitting transactions to the electronic sales tracking system in writing to the Board of Pharmacy stating the reasons therefore. Authorizes the Board to grant an exception for good cause but in no event shall the exemption exceed 180 days. Requires a pharmacy that receives an exemption to maintain a hard copy logbook with the required information. All data that is collected from Tennessee pharmacies and stored in the NPLeX system will

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be exported, downloaded, electronically sent, and/or delivered to TMIS at least every 24 hours. Requires the import of data to be in a version approved by TMIS and requires such import to be executed without a charge to TMIS or to any Tennessee state agency. All data transmitted to TMIS becomes the property of the State of Tennessee. Any violation of the immediate methamphetamine precursor prohibitions is a Class A misdemeanor punishable by fine only. Prohibits any person, who violates the provisions of this bill as amended and is placed on the methamphetamine registry, from purchasing a non-exempt product for the entire seven years the person is required to be on the registry. Requires the Tennessee Bureau of Investigation (TBI) to devise a method to electronically notify, at least every seven days, the NADDI, who administer NPLEx, of any person placed on the methamphetamine registry and to notify the NADDI when a person is removed from the registry and is permitted to purchase non-exempt products. Creates a Class A misdemeanor for any person who knowingly sells or delivers a non-exempt substance to a person on the methamphetamine registry and for any person who purchases or attempts to purchase a nonexempt substance while such

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person is on the methamphetamine registry. Creates a Class A misdemeanor offense, punishable by fine only of \$1,000, for any person who sells, attempts to sell, or possesses a non-exempt product with the intent to sell it to another for a non-medical use or unlawful purpose; purchases or attempts to purchase the product for another, or possesses the product with the intent to deliver it to another for a non-medical use or unlawful purpose; or purchases the product at different times or locations or uses a false identification to purchase the product for the purpose of circumventing the quantity limits on the amount that can be purchased during a one-day or 30-day period. All proceeds from fines imposed shall be used by the jurisdiction making the arrest for methamphetamine clean-up activities in that jurisdiction. Imposes a fine of \$2,000 for a second or subsequent conviction. Requires any such person to be placed on the methamphetamine registry and prohibits any such person from purchasing a non-exempt product for the entire seven years the person is required to be on the registry. Requires the Office of the Comptroller of the Treasury to conduct a study of methamphetamine use in Tennessee and to report its findings to the House of Representatives Health and Human Resources Committee

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and the Senate General Welfare, Health and Human Resources Committee by January 1, 2013. The study shall include a review of existing literature; a review of available information on programs in other states, particularly those states that require a prescription for methamphetamine precursor purchase; and analysis of data and information from the Tennessee Methamphetamine Task Force, the TBI, and other state or local agencies. Effective July 1, 2011, decreases, from 20 to 15 grams, the amount of an immediate methamphetamine precursor to establish prima facie evidence of intent to commit the Class D felony offense of promotion of methamphetamine manufacture. Expands the offense of aggravated child abuse, neglect, or endangerment to include knowingly exposing a child to the manufacture of methamphetamine (11 pages). Clarifies that it will be the felony offense of aggravated child abuse, aggravated child neglect or aggravated child endangerment if the act of abuse, neglect or endangerment results from the knowing exposure of the child to the initiation of a process intended to result in the manufacture of methamphetamine. Specifies that "pharmacy" means only a pharmacy operating under the state law provisions governing pharmacies that sells any immediate

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methamphetamine precursor at retail to the public. Legislation known as the "I Hate Meth Act." (**Part of Administration Package**).

PC 0487
(effective
07/01/2011)

1269

0718*

TRANSPORTATION VEHICLES: Conditions on bond for prior DUI convictions. Requires the judge or magistrate to set conditions on bond to attempt to eliminate any danger to the community by a defendant who has one or more prior convictions for DUI and is determined by the judge or magistrate to be a danger to the community. Allows courts to consider the use of specified devices such as ignition interlocks, drug testing, alcohol monitoring devices, or in-patient rehabilitation as conditions of bail for persons charged with vehicular assault or homicide, or driving under the influence instead of allowing such consideration for persons with one or more of the following convictions and adds charges for aggravated vehicular homicide to the above list. Allows use of such devices to be considered as conditions to bail for the above offenses if committed while the defendant was currently released on bail for the same charges. Allows sheriffs, magistrates and other authorities permitted to admit bail to also consider the use of such devices in setting bail.

40-11-0118
40-11-0148

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PC 0494 (effective 07/01/2011)	1284	1201*	<p>HEALTH CARE: Nonresidential centers for treatment of opiate addiction. Modifies the Tennessee Health Services and Planning Act by replacing "non-residential methadone treatment facility" with "non-residential substitution-based treatment center for opiate addiction." Defines "non-residential substitution-based treatment center for opiate addiction" as a standalone clinic offering methadone, products containing buprenorphine such as Subutex and Suboxone, or products containing any other formulation designed to treat opiate addiction by preventing symptoms of withdrawal.</p>	68-11-1602 68-11-1607 68-11-1624 68-11-1625
PC 0169 (effective 05/05/2011)	0396*	0457	<p>CRIMINAL LAW: Sale of products containing methcathinone. Creates Class A misdemeanor for producing, manufacturing, selling or offering to sell any product containing any of six listed synthetic derivatives or analogues of the Schedule I controlled substance methcathinone. "Fish Food" bill.</p>	39-17-0400 39-17-0452
Child Focused Legislation				
PC 0223 (effective 07/01/2011)	0166*	0248	<p>GOVERNMENT ORGANIZATION: Sunset - Council on Children's Mental Health Care. Sunsets the Council on Children's Mental Health Care on June 30, 2014.</p>	04-29-0231 04-29-0235

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PC 0227 (effective 07/01/2011)	0194*	0621	<p>GOVERNMENT ORGANIZATION: Sunset - Commission on Children and Youth. Extends the termination date of the Commission on Children and Youth from June 30, 2011 to June 30, 2015. Orders the commission to report to the appropriate joint subcommittee in July 2012 on the progress of the commission's responses to audit findings and does not require a new audit prior to the report.</p>	04-29-0232 04-29-0236
PC 0483 (effective 07/01/2011)	0869	0687*	<p>CRIMINAL LAW: Juvenile sexual offender registry. Creates a sexual offender registry (SOR) for juveniles who are 14-18 years of age, commit a specified violent sexual offense, and are found by a court to be at high risk for reoffending or have a prior adjudication for a violent sexual offense. Broadens the sex offender registry to include juvenile offenders who are at least 14 but less than 18 years of age and who have been adjudicated delinquent for an act that, if committed by an adult, would constitute aggravated rape, rape of a child, aggravated rape of a child, or criminal intent to commit such offenses. Includes a juvenile adjudicated delinquent as the result of an act classified as a violent juvenile sexual offense committed in another jurisdiction. Any violent juvenile sexual offender who reaches the age of</p>	37-01-0127 37-01-0153 40-39-0201 40-39-0202 40-39-0203 40-39-0204 40-39-0206 40-39-0207 40-39-0208 40-39-0211 40-39-0213 40-39-0214 40-39-0215 49-39-0200

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twenty-five and who has not been adjudicated or convicted of a subsequent qualifying offense shall be eligible for termination from the SOR. Requires any information regarding a violent juvenile sexual offender, upon the offender's first adjudication, be held as confidential. Requires a violent juvenile sexual offender, who receives a subsequent adjudication for a violent juvenile sexual offense, to be registered for life and such juvenile offender's information be held as public information. Requires eligible offenders to obtain a valid drivers license issued by the Department of Safety. The juvenile sexual offender will not be required to pay the administrative fee until the offender reaches the age of 18. Requires a court to transmit an offender's information to the Tennessee Bureau of Investigation (TBI) within 48 hours for inclusion on the SOR. Requires all violent juvenile sexual offenders to report in person to the offender's registering agency at least once during the months of March, June, September, and December to update the offender's fingerprints, palm prints, and photograph. Provides conditions for certain information of violent juvenile sex offenders to be confidential.

55-50-0353

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PC 0457 (effective 06/10/2011)	1993	1336*	<p>EDUCATION: Special Education Behavioral Supports Act. Renames the "Special Education Isolation and Restraint Modernization and Positive Behavioral Supports Act" as "The Special Education Behavioral Supports Act" and revises various provisions of the Act dealing with isolation and restraint and notice, records, and reports of abuse for special education students.</p>	49-10-1300 49-10-1301 49-10-1303 49-10-1304 49-10-1305

General Health Related Legislation

PC 0009 (effective 03/18/2011)	0079*	0115	<p>INSURANCE HEALTH: Tennessee Health Care Freedom Act. Declares that the public policy of this state is that every person within this state is free to choose or to decline to choose any mode of securing health care services without penalty or threat of penalty. Also declares that the public policy of this state is that every person within this state has the right to purchase health insurance or to refuse to purchase health insurance. Specifies that the government may not interfere with a citizen's right to purchase health insurance or with a citizen's right to refuse to purchase health</p>	56-07-1000 56-07-1016
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insurance. Also specifies that the government may not enact a law that would restrict these rights or that would impose a form of punishment for exercising either of these rights. States that any law to the contrary is to be void ab initio. This Act will not interfere with child support cases in which purchasing an insurance policy is required of one party by the court. Employers are authorized to require the purchase of insurance as a condition of employment.

PC 0189
(effective
07/01/2011)

0483*

0738

HEALTH CARE: Hospital Assessment Act. Establishes an annual coverage assessment on hospitals of 4.52 percent of a covered hospital's annual coverage assessment base to be paid in equal quarterly installments. The Bureau of TennCare will send a notice of payment and a return form to each covered hospital 30 days prior to the payment date. Imposes a penalty of \$500 per day on a hospital that does not pay the assessment by the due date. Creates provisions for the collection of assessments if a hospital ceases to operate after the effective date of the Act. Prohibits a covered hospital from increasing charges or adding surcharges based on or as a result of the annual coverage assessment. Prohibits a TennCare managed organization from implementing across

71-05-2002
71-05-2003
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71-05-2006

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the board reductions in rates that are in existence on July 1, 2011, for hospitals and physicians by category or type of provider unless mandated by the Centers for Medicare and Medicaid Services (CMS). Creates the Maintenance of Coverage Trust Fund consisting of all annual coverage assessment collections and investment earnings credited to the assets of the Fund. Funds collected along with federal matching funds shall be expended for benefits and services that would have been subject to reductions or eliminations from the FY10- 11 TennCare budget and for one-time funding for specific TennCare programs in FY11-12. The implementation of the annual coverage assessments is dependent on approval by CMS. Critical access hospitals, state mental hospitals, rehabilitation and long-term acute hospitals, St. Jude Children's Research Hospital, and state and local government hospitals are exempt from the annual coverage assessment. Beginning September 1, 2011 and on a quarterly basis thereafter, TennCare is required to report the status of the determination and approval by CMS, the balance of the funds, and the extent to which the funds have been used, to the Select Oversight Committee on TennCare, both Finance, Ways, and Means Committees, the Senate

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General Welfare, Health, and Human Resources Committee, and the House Health and Human Resources Committee. The provisions of the bill will take effect July 1, 2011 and will expire on June 30, 2012.

PC 0067
(effective
04/13/2011)

0484*

1158

HEALTH CARE: TN Patient & Quality Improvement Act of 2011. Establishes the "TN Patient Safety and Quality Improvement Act of 2011." Encourages the improvement of patient safety and quality. Defines "quality improvement committee" or "QIC" as a committee formed by a health care organization for the purpose of evaluating the safety, quality, processes, cost, or necessity of health care services by performing functions including, but not limited to: evaluation of qualifications and competence of health care providers or the discipline of any individual health care provider, reduction of morbidity or mortality, establishment and enforcement of guidelines designed to keep the cost of health care within reasonable bounds, research, evaluation of the quality and timeliness of the health care services rendered to patients, and improvement of methods and procedures being utilized. Requires records of a QIC to be confidential and privileged and must be protected from direct or indirect means of

63-01-0100
63-01-0150
63-06-0219
68-11-0200
68-11-0272

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discovery. Prohibits any information not produced for use by a QIC from being construed as immune from discovery or use in any judicial or administrative proceedings merely because such information was presented during proceeding of such committee. Adds health maintenance organizations, preferred provider organizations, hospital and medical service corporations, and university medical schools or health science centers to the list of health care organizations. Includes medical resident physicians, interns, and fellows participating in a training program of one of the accredited medical schools or of one of such medical school's affiliated teaching hospitals in Tennessee under health care providers. Adds additional functions to the Quality Improvement Committees (QIC). Adds incident reports, evaluations, critiques, test results, corrective actions, disciplinary actions, and any patient safety work product as defined in § 921 of the Patient Safety and Quality Improvement Act of 2005, P.L. 109-41, as amended, to the list of records of a QIC that are confidential, privileged, and protected from direct or indirect means of discovery, subpoena or admission into evidence in any judicial or administrative proceeding. Exempts any person who supplies information, testifies or makes statements as part of a QIC

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from any requirements to provide information as to the information, testimony or statements provided to or made before such a committee, if made or taken in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist.

PC 0166 (effective 07/01/2011)	0494	0198*	<p>HEALTH CARE: Prescription label may list condition for all patients. Expands the current statute to allow all patients, rather than the elderly alone, to request that their prescription container list the medical condition for which the prescription was made.</p>	53-10-0110
PC 0075 (effective 01/01/2012)	0505*	0597	<p>HEALTH CARE: Proof of licensure of health care practitioners. Requires certain additional health care practitioners, including podiatrists, advanced practice nurses, physician assistants, psychologists, acupuncturists, professional midwives, and more, to communicate proof of their licenses or certificates of registration by placing such proof in each office, wearing certain identification, in writing to patient at the initial office visit, and on their website, if applicable. Health care workers working in a developmental center, treatment resource, group residence, boarding home,</p>	63-01-0109

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sheltered workshop, activity center, rehabilitation center, hospital, community mental health center, counseling center, clinic, halfway house or any other entity that provides a mental health or developmental disabilities service or an alcohol and drug prevention and treatment facility are exempt from the signage and certificate display requirements. Clarifies that only the licensing board that licensed a practitioner is authorized to seek injunctive or other relief against that practitioner for a violation.

PC 0289
(effective
07/01/2011)

1065

1053*

INSURANCE HEALTH: Pharmacy Benefit Integrity Act.
 Adds the following new standards governing audits of pharmacies by pharmacy benefit managers: a pharmacist is authorized to use any legal prescription to validate claims submitted; auditors are authorized to enter the prescription department if accompanied by or authorized by a member of the pharmacy staff; recoupment of dispensing fees is prohibited, unless the prescription that is subject of the claim was not dispensed, was not valid, was fraudulent, or was outside the provisions of the contract; sharing information gathered from a provider and utilizing it for another plan is prohibited, unless the pharmacy benefits manager believes

56-07-3100
56-07-3103

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the audit involves fraud or willful misrepresentation; the amount of allowable recoupment for the administration of more of a drug that is permitted by the policy limits must be calculated based on the actual excess and the cost of the drug as it was submitted in the original claim; in determining the amount to be dispensed, the day's supply must be calculated based on the highest dose prescribed or on the schedule for prescriptions that have a titrated dose schedule. This bill shall not apply to any investigative audit that involves allegations of fraud or willful misrepresentation. The act shall only apply to contracts entered into on or after July 1, 2011.

PC 0165
(effective
07/01/2011)

1921

1629*

HEALTH CARE: Checking of abuse registry prior to employment. Requires organizations that supply mental health and developmental disability services to check the registry containing the names of individuals determined to have abused, neglected, misappropriated, or exploited the property of vulnerable individuals prior to hiring a future employee or allowing an individual to volunteer and prohibits anyone contained in the registry from being hired or otherwise provide services in the organization.

33-02-1202

P.C. #	SB	HB	<p style="text-align: center;">Summary- To view a Public Chapter from this list, visit: http://tnsos.org/acts/PublicActs.107.php?showall .</p> <p style="text-align: center;">To view a bill from this list, visit: http://www.legislature.state.tn.us/.</p>	T.C.A.
PC 0369 (effective 05/30/2011)	1942	1172*	<p>TORT LIABILITY: Health care provider liability for indwelling catheters. Prohibits health care institutions and health care providers from being liable for claims related to the misuse of an indwelling catheter if the misuse occurs after the patient is discharged and the entity provides a certain written notice of immunity to the patient. Defines "misuse" as "the introduction of foreign drugs or substances into the indwelling catheter."</p>	33-10-0100 Title 63, 68
Signed by Governor 05/20/2011	SJR 0058		<p>GOVERNMENT ORGANIZATION: Urges departments of health and mental health to integrate care. Urges Department of Health and Department of Mental Health to promote a model of integrated care and to increase the use of integrated care.</p>	
Signed by Governor 05/13/2011		HJR 0058	<p>HEALTH CARE: Encourages use of telemedicine. Encourages the implementation and use of telemedicine in Tennessee.</p>	
Regulations Related Legislation				
PC 0233 (effective	1672	1498*	<p>GOVERNMENT CONTRACTS: Freedom in Contracting Act. Prohibits public agencies from requiring certain wage</p>	12-04-0200 12-04-0300

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07/01/2011)

requirements on contractors performing state funded public works. Prohibits public agencies from requiring contractors to become affiliated with labor organizations or employee organizations. Declares any part of the bill invalid when or if it conflicts with federal law or disqualifies the state for federal funding.

12-04-0400
12-04-0500
12-04-0600

PC 0441
(effective
06/10/2011)

0229*

0648

GOVERNMENT ORGANIZATION: Uniform Administrative Procedures Act. Increases from 60 to 75 days the period of time that the Senate and House Government Operations Committees may stay the running of a permanent rule's effective date.

04-05-0215

Summer Studies/Pending Legislation

S: Referred to Senate Judiciary.
H: House General Subcommittee of Judiciary deferred to

1692*

2064

CRIMINAL LAW: Life imprisonment - convicted murderer with mental illness. Provides that a person who had severe and persistent mental illness at the time of committing murder in the first degree cannot be executed but may be sentenced to life imprisonment or life without parole.

39-13-0200

P.C. #	SB	HB	<p style="text-align: center;">Summary-</p> <p style="text-align: center;">To view a Public Chapter from this list, visit: http://tnsos.org/acts/PublicActs.107.php?showall .</p> <p style="text-align: center;">To view a bill from this list, visit: http://www.legislature.state.tn.us/.</p>	T.C.A.
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summer study.

Signed by Governor
05/30/2011

SJR
0200

HEALTH CARE: Study of issues related to assisted outpatient treatment. Directs the department of mental health to study issues relating to assisted outpatient treatment (Kendra's Law) and to report to legislative committees by January 15, 2012.

S: Referred to Senate General Welfare.
H: Taken off notice 04/05/2011 in House General Subcommittee of Health & Human Resources.

1453

1092*

HEALTH CARE: Assisted outpatient treatment. House Health and Human Resources Committee will conduct a summer study focusing primarily on the impact assisted outpatient treatment has on corrections issues.

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<p>S: Referred to Senate Judiciary. H: House General Subcommittee of Judiciary deferred to summer study.</p>	0479	0484*	<p>TRANSPORTATION VEHICLES: Ignition interlock device adjustments. Requires that certain first-time DUI offenders will have to receive ignition interlock devices if their alcohol concentration was .08 percent, instead of .15 percent, at the time of the offense. Removes the requirement that certain first-time DUI offenders receive ignition interlock devices when in violation of the implied consent law.</p>	Titles 38, 39, 40, 55 55-10-0403 55-10-0406
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Miscellaneous

PC 0473 (effective 07/01/2011)	2090*	2139	<p>PUBLIC FINANCE: Appropriations - FY 2010-2011. Makes appropriations for fiscal years beginning July 1, 2010, and July 1, 2011. (This is the appropriations bill.)</p>	
PC 0222 (effective 05/20/2011)	0356*	0686	<p>CRIMINAL LAW: Sexual offender placed in halfway home required to register. Requires sexual offenders placed in halfway houses or any other facility as an alternative to incarceration where unsupervised contact is permitted outside of the facility to register with the city or county sex offender registry agency.</p>	40-39-0203

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PC 0198 (effective 05/17/2011)	0523	0549*	<p>TRANSPORTATION GENERAL: Creates interagency transportation committee. Creates an Interagency Transportation Coordination Committee, composed of representatives of state departments and four legislative members to coordinate the transportation efforts of state and local governments. The Department of Transportation (TDOT) would be the lead agency for support and staffing. Any state entity wishing to grant or make expenditure of funds for transportation services would be required to report the amount of such grant or expenditure to the Department of Transportation's Division of Multimodal Resources. Prior to expenditure of any funds under a direct federal or private grant, the local entity receiving the grant would be required to file a written report with the coordination committee detailing the amount of grant and its purpose.</p>	04-03-2300 04-03-2309
PC 0436 (effective 06/07/2011)	1669	1378*	<p>LABOR LAW: Tennessee Lawful Employment Act. Requires employers to request and maintain certain documentation of newly hired employees' citizenship or qualified alien status beginning January 1, 2012, for governmental entities and private employers with 500 or more employees; July 1, 2012, for employers with 200 to 499</p>	Titles 3, 4, 5, 6, 7, 8, 12, 39, 50 50-01-0103 67-04-0706

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employees; and January 1, 2013, for employers with six to 199 employees. Requires the Department of Labor and Workforce Development (DLWD) to establish an Office of Employment Verification Assistance to assist employers without internet access to verify employees and authorizes DLWD to hire no more than one person to staff the Office. Prohibits the employment of unauthorized aliens. The penalty for a first violation is a \$500 civil penalty for each unauthorized employee; for a second violation, a \$1,000 civil penalty; and for a third violation, a \$2,500 civil penalty. Authorizes the Commissioner of DLWD to issue a warning in lieu of penalties if the employer remedies the violation within 60 days and a determination is made that the violation was unintentional. Requires DLWD to notify employers of alleged violations if there is satisfactory evidence of a violation in a received complaint. Requires employers to provide documentation showing compliance if a notification of violation is received. Requires DLWD to make inquiries into employers' compliance with requirements in conjunction with any pending investigations or inquiries. Requires DLWD to list publicly on its website, a list of employers in violation. Requires compliance prior to any private employer receiving

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economic development incentives. Creates the Lawful Employment Enforcement Fund, to which all penalties collected pursuant to this bill will be deposited, and from which funds will be used to administer these provisions.

PC 0308
(effective
05/27/2011)

1958

0808*

CRIMINAL LAW: Residential restrictions on sexual offenders. Allows three or more sexual offenders to establish primary or secondary residence together if the property on which they live has been zoned for a use other than residential or mixed use by the appropriate local zoning laws.

40-39-0200
40-39-0211

PC 0410
(effective
070/1/2011)

0725*

1097

GOVERNMENT ORGANIZATION: Abolishes special joint oversight committees. Abolishes the following statutorily created, legislative oversight committees: Select Oversight Committee on Corrections, Select Committee on Children and Youth, Select Oversight Committee on Education, Health Equity Commission, Select Oversight Committee on TennCare, Joint Select Committee on Business Taxes, Joint Committee on Children's Services, Charitable Gaming Oversight Committee, Select Committee on the Tennessee Education Lottery Corporation, Special Joint Committee on Workers' Compensation, Select Oversight Committee on

Titles 3, 4, 9, 36,
37, 39, 40, 41, 49,
50, 68, and 71

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Long-Term Care. Transfers duties of the Select Oversight Committee on Corrections to the house and senate state and local government committees. Transfers duties of the Select Committee on Children and Youth to the senate judiciary and the house children and family affairs committees. Transfers duties of the Select Oversight Committee on TennCare to the house and senate health committees.