

**CHAPTER NO. 571**

**SENATE BILL NO. 3362**

**By Herron, Black**

**Substituted for: House Bill No. 3383**

**By Shepard, Favors**

AN ACT to amend Tennessee Code Annotated, Title 33; Title 63; Title 68 and Title 71, relative to access to health care.

WHEREAS, Health Professional Shortage Areas (HPSAs) designate communities that may have shortages of primary medical care, dental or mental health providers and may be urban or rural areas, population groups or medical or other public facilities; and

WHEREAS, Federally Qualified Health Centers (FQHCs), hospitals, and other health care professionals providing care to the uninsured on a sliding fee scale depend on the HPSA designation to determine eligibility for National Health Service Corps recruitment and retention programs; and

WHEREAS, more than thirty (30) federal programs depend on the HPSA designation for program eligibility of funding preference; and

WHEREAS, HPSA designation is vitally important to meeting the health care needs of people living in rural and underserved areas and helps bring health care resources to Tennessee communities that are underserved; and

WHEREAS, the federal statute requires that HPSAs be reviewed annually and the State of Tennessee has an important role in this process; and

WHEREAS, the State of Tennessee strives for a rational health care system that protects and assures access to health care in rural and underserved areas; and

WHEREAS, Tennessee's health care safety net has a goal of wisely utilizing our scarce health care resources by not duplicating services but assuring access to an array of health care services in each county; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

**SECTION 1.** Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following as a new section:

68-1-1\_\_\_\_.

(a) The Department of Health shall enter into a Memorandum Of Understanding (MOU) with the Tennessee Primary Care Association, the Tennessee Hospital Association, and the Tennessee Rural Health Recruitment and Retention Center to work cooperatively with respect to the annual Health Professional Shortage Area (HPSA) designation process.

(b) The MOU shall include, but not be limited to, the following:

(1) A communication plan including each of the parties during the annual HPSA designation process;

(2) A plan to ensure that the information and methodology utilized to determine the HPSA designation is adequate and accurate; and

(3) A period for comment to the department by the other three (3) MOU parties prior to the submission of the recommendations to the federal government for approval.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following as a new section:

68-1-1\_\_\_\_. On or before January 15 of each year, the Commissioner of Health, in consultation with the Department of Finance and Administration and any other state agency involved in the administration of the safety net program, shall report to the general assembly on data relating to access to care and safety net adequacy related issues. Such data shall address adequacy of access and the array of services to which access is available. The report shall also seek to address the allocation of scarce health care resources in the safety net with attention to developing a rational health care system that does not duplicate services. The report shall specifically assess access to care in rural and underserved areas across the state. The comptroller of the treasury shall also comment on the report. The commissioner shall present the findings of the report to the General Welfare, Health and Human Resources Committee of the Senate and the Health and Human Services Committee of the House of Representatives.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 13, 2006**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 1<sup>st</sup> day of May 2006**

  
PHIL BREDESEN, GOVERNOR