



State of Tennessee

PUBLIC CHAPTER NO. 911

HOUSE BILL NO. 2174

By Representatives Rich, Harrison, Wirgau

Substituted for: Senate Bill No. 1871

By Senator Overbey

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, Part 14, relative to appeals.

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

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 14, is amended by adding the following as new sections:

71-5-1423. If a resident appeals the facility's notice of involuntary discharge to that resident and a hearing is requested pursuant to 42 C.F.R. § 431.220(a)(3) before the bureau of TennCare:

(1) The hearing shall be conducted and a final order rendered within ninety (90) days from the date of the resident's appeal of the facility's involuntary discharge notice;

(2) The timeframe specified in subdivision (1) may be extended or continued with the consent of both the facility and the resident; and

(3) The timeframe specified in subdivision (1) may be extended by the presiding administrative law judge without the consent of the facility, but only after a showing by the resident, or the resident's representative, that the resident faces a substantial threat of irreparable damage or injury if a continuance is not granted.

71-5-1424. If an individual appeals TennCare's initial determination that they are not eligible for TennCare nursing facility services:

(1) The hearing on any appeal of an initial determination that the individual is not financially eligible shall be conducted and a final order rendered within ninety (90) days from the date of the individual's appeal; provided, however, if the individual files a petition for reconsideration of an initial order or appeals an order, other than a final order, pertaining to an initial determination made by TennCare under this section prior to the expiration of the ninety-day period, the running of the ninety-day period shall be tolled pending the outcome of such petition for reconsideration or appeal; and

(2) The facility may be entitled to participate in any proceeding and hearing that appeals an initial determination that the individual is not financially or medically eligible through the filing of a motion to intervene in that proceeding under § 4-5-310.

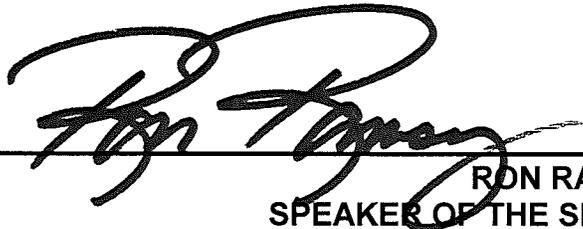
SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any appeals of discharges filed on or after such date.

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PASSED: April 15, 2014



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 13th day of May 2014



BILL HASLAM, GOVERNOR