



State of Tennessee

PUBLIC CHAPTER NO. 153

SENATE BILL NO. 112

By Norris, Dickerson

Substituted for: House Bill No. 101

By McCormick, Kevin Brooks, Hardaway

AN ACT to amend Tennessee Code Annotated, Section 33-2-404; Section 68-11-202 and Section 71-2-412, relative to promulgation of rules for licensure of settings for home-based and community-based services.

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

SECTION 1. Tennessee Code Annotated, Section 33-2-404, is amended by designating the existing language as subsection (a) and by adding the following language as a new, appropriately designated subsection (b):

(b) Notwithstanding any law to the contrary, each department shall have the authority to amend its rules for licensure as needed to be consistent with the federal home-based and community-based settings final rule, published in the Federal Register at 79 FR 2947 (January 16, 2014), including the authority to differentiate licensure requirements for any entity contracted to provide medicaid-reimbursed home- and community-based services in order to allow the facility or entity to comply with the federal rule and continue to receive medicaid reimbursement for home- and community-based services. Rules adopted by the department under this subsection (b) shall be developed with input from stakeholders and promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; provided, however, that the department shall not promulgate emergency rules under this subsection (b) as defined in § 4-5-208. Licensure survey and enforcement shall be conducted in a manner consistent with any rule issued under this subsection (b).

SECTION 2. Tennessee Code Annotated, Section 68-11-202, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding any law to the contrary, the board shall have the authority to amend its rules for licensure of any board-regulated facility or entity as needed to be consistent with the federal home-based and community-based settings final rule, published in the Federal Register at 79 FR 2947 (January 16, 2014), including the authority to differentiate licensure requirements for any board-regulated facility or entity contracted to provide medicaid-reimbursed home- and community-based services pursuant to title 71, chapter 5, part 14, in order to allow the facility or entity to comply with the federal rule and continue to receive medicaid reimbursement for home- and community-based services. Rules adopted by the board under this subsection shall be developed with input from stakeholders and promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; provided, however, that the board shall not promulgate emergency rules under this subsection as defined in § 4-5-208. Licensure survey and enforcement shall be conducted in a manner consistent with any rule issued under this subsection.

SECTION 3. Tennessee Code Annotated, Section 71-2-412, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding any law to the contrary, the commissioner shall have the authority to amend the rules for licensure of adult day care by entities contracted to provide medicaid-reimbursed home- and community-based services pursuant to title 71, chapter 5, part 14, as needed to be consistent with the home-based and community-based settings final rule,

published in the Federal Register at 79 FR 2947 (January 16, 2014), including the authority to differentiate licensure requirements for any entity contracted to provide medicaid-reimbursed home- and community-based services pursuant to title 71, chapter 5, part 14, in order to allow the facility or entity to comply with the federal rule and continue to receive medicaid reimbursement for home- and community-based services. Rules adopted by the department under this subsection shall be developed with input from stakeholders and promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; provided, however, that the department shall not promulgate emergency rules under this subsection as defined in § 4-5-208. Licensure survey and enforcement shall be conducted in a manner consistent with any rule issued under this subsection.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 2, 2015



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 16th day of April 2015



BILL HASLAM, GOVERNOR