



Office of Legislative Affairs 2022 Legislative Update

Non-Health Related Legislative Activity of Note

- The legislature addressed legislative and Congressional redistricting.
- The “Truth in Sentencing” Act made mandatory sentences for certain criminal offenses.
- The “Tennessee Investment in Student Achievement (TISA) Act” reformed the school funding approach.

Highlights and Noteworthy Health-Related Legislation

- The Department had two successful legislative initiatives that became law relating to local county health departments and the Controlled Substance Monitoring Database, respectively.
- Healthcare Facilities will move to the Health Services and Development Agency (HSDA)/Health Facility Commission on July 1, 2022.
- Healthcare providers can continue to utilize telehealth and receive reimbursement for telehealth services.
- The Board of Pharmacy and the Board of Nursing will now hire and fire the Executive Director of the Board.
- A registry within the Tennessee Commission on Aging and Disability was created to combat the operation of unlicensed facilities.

Pertinent Public Chapters

All Public Chapters are Hyperlinked to the Document on the Secretary of State’s Website

[Public Chapter 616—SB1763/HB1817—Roberts/Ragan](#)

Re: Tennessee Massage Licensure Board Sunset. This public chapter extends the Tennessee Massage Licensure Board to June 30, 2028.

[Public Chapter 644—SB1823/HB1867—Johnson/Zachary](#)

Re: Covid-19 Vaccine Exemptions. This public chapter requires that an employer grant certain exemptions to requirements of proof/receipt of vaccinations if the request for exemption is either (1) supported by signed/date statement by a licensed physician that the staff member has a condition recognized under generally accepted medical standards as a basis for the medical exemption or (2) the staff member attests in writing (including electronic means) that the staff member has a sincerely held religious believe that prevents the staff member from complying the requirement in accordance with guidance from Medicare and Medicaid services. This public chapter creates a civil penalty of \$10,000 for violation of this statute.

Effective as of March 11, 2022.

[Public Chapter 680—SB1909/HB1904—Johnson/Faison](#)

Re Autoclave Requirements. This public chapter exempts autoclaves from the clearance requirements of the Board of Boilers Rules if the autoclave sterilizes reusable medical or dental equipment used by an individual licensed under title 68 or 63, is installed in accordance with the manufacturer’s recommendations, contains a boiler, and is regulated by the FDA.

Effective as of March 28, 2022. The Governor did not sign this public chapter.

[Public Chapter 756—SB1789/HB2858—Briggs/Kumar](#)

Re Conditions of Participation. This public chapter removes the requirement that a healthcare provider enrolled in Medicare or Medicaid be subject to conditions of participation to be exempt from the definition of “private business” or “governmental entity” for purposes of the Title 14/Covid-19 state laws.

Effective as of March 31, 2022.

[Public Chapter 769—SB568/HB702—Johnson/Lamberth](#)

Re Anatomical Gifts. This public chapter prohibits a healthcare provider, a hospital, an ambulatory surgical treatment center, a home care organization or any other entity responsible for matching anatomical gifts or organ donors to potential recipients from, solely on the basis of whether an individual has received or will receive a Covid-19 vaccine, (1) consider an individual ineligible for transplant or receipt of an anatomical gift, (2) deny medical or other services related to transplantation, (3) refuse to refer an individual to a transplant center or specialist, (4) refuse to place an individual on an organ or tissue waiting list, or (5) place an individual at a position on an organ or tissue waiting list lower than the position the person at which the individual would have been placed if not for the individual’s vaccine status.

Effective as of April 8, 2022.

[Public Chapter 774—SB1943/HB2005—Lundberg/Crawford](#)

Re Massage Therapy Temporary License. This public chapter authorizes the Board of Massage Therapists to grant a temporary license to a person who has been licensed, registered, or certified, in good standing, in another state, territory of the United States, or the District of Columbia that meets all requirements for reciprocity, but which does not require successful passage of a competency examination approved by the board. An individual granted a temporary license pursuant to this public chapter may work if the person is supervised at all times by a licensed individual. This public chapter specifies the requirements to obtain licensure through reciprocity to an individual with a temporary license. The temporary license issued under this public chapter is effective for six months after the date of issuance, and this public chapter authorizes the person to apply for an additional six-month extension of the temporary license under certain circumstances.

For rule-making purposes, effective as of April 8, 2022. For all other purposes, effective July 1, 2022.

ACTION ITEM: Board of Massage rule-making.

[Public Chapter 833—HB1997/SB1936—Cochran/Jackson](#)

Re UAPA. Clarifies that the ALJ shall decide a procedural questions of law. Allows the director of the administrative procedures division of the secretary of state's office to issue subpoenas. Allows electronic participation in hearings, by agreement of the parties. The hearing officer may allow electronic testimony if the absence of the witness would otherwise cause of delay of the hearing. Requires that a final orders be issued within 90 days. Allows that a petition for reconsideration be filed within 15 days of the entry of the final order or initial order. Effective as of April 19, 2022.

[Public Chapter 883—SB2285/HB1749—Bell/Ragan](#)

Re UAPA and Judicial Review Standards. Requires that a judge over a contested case not defer to an agency's interpretation of the statue or rule and shall interpret it de novo. Remaining ambiguity shall be resolved against the agency. Effective as of April 14, 2022.

[Public Chapter 896—SB896/HB1960—Bowling/Hulsey](#)

Re Title 14. Eliminates the sunset provisions in Title 14 for the definitions section and for the section that prohibits government entities from mandating vaccinations. Deletes a variety of definitions from the Title. For the deletion of definitions, effective July 1, 2022 at 12:01 AM. For all other purposes, effective as of April 19, 2022.

[Public Chapter 911—HB2309/SB2464—Freeman/Reeves](#)

Re Professional License Requirements. Mandates that a person seeking a professional license have US citizenship or be authorized under federal law to work in the US as verified by the SAVE Program (allows DACA children who are now adults to obtain professional licensure if not otherwise prevented by the license). Effective July 1, 2022.

[Public Chapter 930—HB1871/SB1982—Hulsey/Hensley](#)

Re Covid Vaccinations and Acquired Immunity. Amends Title 14 to mandate that acquired immunity from a previous Covid-19 infection be treated the same as a Covid-19 vaccination by a governmental entity, school, or local education authority. Mandates that private businesses who require vaccinations also include recognition for acquired immunity for Covid-19. Effective as of April 11, 2022—This was not signed by Governor.

[Public Chapter 1073—HB2665/SB2449—Sexton, McNally](#)

Re Covid Visitation Policies and Limitations on Covid Treatment Exemptions. Clarifies that a prescriber can be disciplined for prescribing controlled substances and/or narcotics for treatment of Covid, if appropriate. In addition, creates a patient advocate process that hospitals must follow during times of covid concern. Allows that person to enter a facility if they agree to follow procedures but provides certain exceptions to access to locations within the hospital. Effective as of May 25, 2022.

[Public Chapter 1094—SB1891/HB1905—Hulse/Doggett](#)

Re Mandatory Reporting of Fatal Drug Overdoses. Requires that a fatal overdose be reported to law enforcement, including by doctors and nurses.

Effective July 1, 2022.

[Public Chapter 1117—SB2448/HB2671—White/Farmer](#)

Re: Extended Liability Protection Against Covid Claims. Extends the liability protection against claims based on Covid exposure until July 1, 2023.

Effective as of June 1, 2022.

[Public Chapter 1123—SB2574/HB2535—Crowe/Alexander](#)

Re: End-of-Life Visitation at Nursing Homes and Assisted Living Facilities. Requires that nursing homes and assisted living facilities allow for visitation during a disaster, emergency, or public health emergency for Covid-19. Provides an exemption if the visitation would violate federal or state law.

Effective July 1, 2022.

** Please note that these are high-level overviews of each public chapter. Speak with the Board Attorney for any specific questions or concerns. **