



Department of
**Mental Health &
Substance Abuse Services**

2016 LEGISLATIVE SUMMARY

To view a Public Chapter from this list, visit: <http://tnsos.org/acts/PublicActs.109.php>
To view a bill from this list, visit: <http://www.capitol.tn.gov/legislation/>

MENTAL HEALTH RELATED LEGISLATION

SB2373 / HB2331 Health insurance coverage and providers for telehealth.

Category Health Care

Description Expands the definition of "healthcare provider" for the purposes of telehealth to include any state-contracted crisis service provider employed by a facility license under state law governing mental health facilities. Specifies that the reimbursement or coverage for services provided through telehealth must be without any distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

Public Chapter PC 990

Citations T.C.A. 56-7-1002

SB1992 / HB2071 Training school personnel about suicide prevention.

Category Education

Description Requires LEA employees to attend an annual in-service training in suicide prevention. Requires each LEA to adopt a policy on student

suicide prevention, which relates to intervention and postvention. Requires the department of education to establish a model policy in consultation with the office of crisis services and the department of health. Allows the LEA to choose to develop its own policy or adopt the model policy. Prohibits a person from having a cause of action for any loss or damage caused by any act or omission resulting from the implementation of any training.

Public Chapter PC 623

Citations Title 49

SJR460 Mental health crisis intervention training for law enforcement officers.

Category Public Employees

Description Urges the development and implementation of additional specialized mental health crisis intervention training for law enforcement officers.

Executive Status 05/12/2016 – Signed by Governor Haslam.

SB1464 / HB1625 Disclosure of confidential information for post-mortem examinations.

Category Health Care

Description Authorizes the disclosure of a decedent's mental health records to an authorized post-mortem official if necessary for the preparation of a post-mortem examination report pertaining to a case under investigation and a court order or judicial subpoena authorizes the official to obtain the records.

Public Chapter PC 0672

Citations T.C.A. 33-03-0105

SB1556 / HB1840 Sincerely held principles that conflict with counseling or therapy services.

Category Professions & Licensure

Description Exempts a counselor or therapist providing counseling or therapy services from counseling or serving a client as to goals, outcomes, or behaviors that conflict with sincerely held principles of the counselor or therapist, if the counselor or therapist coordinates a referral of the client to another counselor or therapist who will provide the counseling or therapy. Redefines "counseling or therapy services" to apply to private practice settings only. Refusal to provide counseling or therapy services is not a basis for a civil cause of action or criminal prosecution. Prohibits the board for professional counselors, marital and family therapists and clinical pastoral therapists from disciplining an applicant or licensee based on a violation of A.11.b of the 2014 American Counseling Association Code of Ethics, or any similar or successor provision. Provides liability for counselors who will not counsel a client based on the counselor's principles when the individual seeking or undergoing the counseling is in imminent danger of harming themselves or others.

Public Chapter PC 926

Citations Title 63

SB1814 / HB1849 Requirements for licensure as a clinical pastoral therapist.

Category Professions & Licensure

Description Makes changes to licensure procedure for clinical pastoral therapists.

Public Chapter PC 955

Citations Title 63

SB2070 / HB2107 Feasibility study of pilot program for prisoners being returned to the community.

Category Corrections

Description Requires the commissioner of mental health and substance abuse services to report to the health and welfare committee of the senate and the health committee of the house of representatives. Specifies the report will contain information concerning the feasibility of a pilot program provided to certain prisoners who are released into the community with transitional services that include mental health services and supports, substance abuse treatment and counseling, health care, and employment and housing supports.

Public Chapter PC 894

SB1524 / HB1594 Sunset - interstate compact on mental health.

Category Government Organization

Description Extends the interstate compact on mental health six years to June 30, 2022.

Public Chapter PC 552
Citations Title 4

SUBSTANCE ABUSE/CONTROLLED SUBSTANCES RELATED LEGISLATION

SB2552 / HB2571 Tennessee Prescription Safety Act of 2016.

Category Retail Trade

Description Makes the permanent the Prescription Safety Act of 2012 and makes various changes to the Act, including changes regarding mental health hospitals reporting to the controlled substances monitoring database. Part of the Administration's Package. Requires rules promulgated relative to implementing provisions of this legislation be provided to the Chairs of the House and Senate Health Committees at the same time the rules are made available to the House and Senate Government Operations Committees in order for the Health Committees to be afforded opportunity to comment.

Public Chapter PC 1002
Citations Title 53

SB829 / HB929 Licensure and definition of nonresidential treatment center for opiate addiction.

Category Health Care

Description Defines "nonresidential office-based opiate treatment facility," "physical location," and "nonresidential substitution-based treatment center for opiate addiction" or "nonresidential opioid treatment program." Authorizes TDMHSAS, in consultation with the commissioner of Health, to promulgate rules regarding the operation of nonresidential office-based opiated treatment facilities. Requires rules promulgated relative to implementing the provisions of this legislation be provided to the Chairs of the House and Senate Health Committees at the same time the rules are made available to the House and Senate Government Operations Committee in order for the Health Committees to be afforded opportunity to comment.

Public Chapter PC 912
Citations Title 33

SB1466 / HB1731 Licensure requirements on pain management clinics.

Category Health Care

Description Authorizes the Department of Health (TDH) to conduct an unannounced inspection process that may include a review of business and medical records when TDH has obtained reasonable suspicion that the office is operating as an unlicensed pain management clinic. Requires the health care provider's office to produce evidence that the majority of its patient population is not receiving chronic non-malignant pain treatment as part of the inspection process. Prohibits any health care provider's office from admitting any new patients to the practice immediately upon receipt of written notice to any provider at the clinic and all owners and providers at such clinic will be subject to a hearing upon 30 days' notice before the licensee's licensing board to consider whether the individual's license to practice should be revoked or otherwise disciplined. Authorizes the Commissioner of Health to promulgate rules providing for an informal advisory administrative hearing by a panel appointed by the Commissioner to review the Department's determination and to provide nonbinding recommendations to the Commissioner concerning those determinations. Requires, on or after July 1, 2017, all pain management clinics to obtain a license from TDH. Authorizes the Commissioner to promulgate rules to set fees for licensure, renewal of licensure, late renewal fees, and other fees. Requires all pain management clinics to be inspected prior to being licensed and requires an inspection a minimum of one time every two years. Creates a Class A misdemeanor for operating a pain management clinic without obtaining a license. Authorizes TDH to require the licensure of a clinic with a certificate holder on the date of the expiration of the certificate. Authorizes a pain management clinic to continue to operate under the certificate holder statute until the certificate expires. Authorizes the Commissioner to suspend treatment of any new or existing patients to the clinic pending a prompt hearing where the conditions of the pain management clinic are detrimental to the health, safety, or welfare of the patient. In the event of a suspension, the clinic is required to develop a transition plan to maintain

continuity of care for the patients and to minimize the impact of transition to alternative care arrangements. If the deficiency causing the revocation or suspension threatens serious harm to the patients of the clinic, the Commissioner may appoint a sufficient number of special monitors to observe the operation of the clinic for a minimum of 20 hours per week and periodically submit written reports to the Commissioner on the operations. Establishes that the clinic will be liable for the costs of special monitors, unless the Commissioner retains a monitor in a clinic after correction to evaluate the clinic's continued compliance. Requires the medical director of each pain clinic to include in the annual report to TDH the number of physician assistants and advanced practice nurses who are working in the clinic each month; the number of patients seen by the clinic for each month and the number receiving treatment for chronic nonmalignant pain, whether the pain clinic is part of or associated with a hospital, and any other information requested by the Department. Authorizes the licensing board to impose an administrative penalty of no less than \$1,000 per day, and no more than \$5,000 per day, on a practitioner who provides pain management services at an unlicensed pain management clinic. Allows TDH to impose an administrative penalty of no less than \$1,000 per day, and no more than \$5,000 per day, on an owner of an unlicensed pain management clinic. Authorizes TDH to charge any owner the costs of any inspection or investigation under this part, as well as the costs of prosecution and other costs permitted under Tenn. Code Ann. § 63-1-144. Prohibits an owner of a pain management clinic, on or after July 1, 2017, from locating or participating in locating a pharmacy adjacent to the location of the clinic, if the owner or operator has an ownership interest in the location. Requires rules promulgated relative to implementing the provisions of this legislation be provided to the Chairs of the House and Senate Health Committees at the same time the rules are made available to the House and Senate Government Operations Committees in order for the Health Committees to be afforded opportunity to comment.

Public Chapter PC 1033

Citations Title 63

SB2057 / HB1982 Qualifications for pain management specialist.

Category Professions & Licensure

Description Clarifies that a new applicant shall only qualify as a pain management specialist if the applicant is board certified by the American Board of Interventional Pain Physicians (ABIPP) by passing examination, and holds a license and maintains the minimum number of CME hours in pain management to satisfy retention of ABIPP diplomate status.

Public Chapter PC 829

Citations T.C.A. 63-1-301

SB2403 / HB2225 Opioid antagonist therapy - statewide pharmacy practice agreement.

Category Retail Trade

Description Authorizes the chief medical officer of the department of health to implement a state-wide collaborative pharmacy practice agreement specific to opioid antagonist therapy with any pharmacist licensed in, and practicing in, this state. Provides a chief medical officer with immunity from disciplinary or adverse administrative actions, as well as immunity from civil liability in the absence of gross negligence or willful misconduct for acts or omission during the dispensing of an opioid antagonist by a pharmacist acting pursuant to a collaborative agreement.

Public Chapter PC 596

Citations Title 63

SB2060 / HB2126 Dispensing of opioids and benzodiazepines by physicians.

Category Health Care

Description Deletes the existing requirement that an opioid or benzodiazepine dispensed by a physician be in a unit-sized prepackaged container. Requires any physician which provides opioids or benzodiazepines as a provision of healthcare services to submit dispensing information to the Controlled Substance Monitoring Database.

Public Chapter PC973

Citations T.C.A. 63-1-154

SB1786 / HB1768 Pharmacist to dispense medication in varying quantities.

Category Health Care

Description Under this bill, unless a prescriber has specified on a prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise professional judgment to dispense varying quantities of medication per fill up to the total number of dosage units as authorized by the prescriber on the original prescription including any refills. This bill will not apply to controlled substances or to any medications for which a report to the controlled substance database is required pursuant to present law. Establishes that a pharmacist may not dispense quantities of medication, including any refills, which exceed a 90-day supply.

Public Chapter PC 656

Citations Title 63

SB1850 / HB2447 Death certificates - overdoses of prescription opiates.

Category Health Care

Description Requires the Commissioner of the Department of Health (TDH), upon request, to obtain access to records maintained by any facility licensed by the Board for Licensing Health Care Facilities, to help facilitate investigations of opioid drug overdose. Requires TDH, in consultation with stakeholders, to develop data reporting elements and a short-term mechanism for near real-time electronic access to such records by July 1, 2016. Requires TDH to implement the short-term reporting mechanism by October 1, 2016. Requires TDH, in consultation with stakeholders, to develop a long-term electronic real-time reporting plan utilizing electronic processes for opioid drug abuse, overdoses, and overdose deaths by January 1, 2017.

Public Chapter PC 959

Citations Title 68

SB1776 / HB2155 Litigation taxes to be used for substance abuse prevention.

Category Taxes Business

Description Authorizes a county legislative body to use revenue from certain county litigation taxes for substance abuse prevention purposes upon adoption of a resolution by 2/3 vote of the county legislative body.

Public Chapter PC 661

Citations T.C.A. 67-04-0601

SB1189 / HB1252 Concentrates and oils-marijuana

Category Criminal Law

Description Clarifies that concentrates and oils are included in the definition of marijuana.

Public Chapter PC 873

Citations T.C.A. 39-17-0402

SB2125 / HB2144 Marijuana research at institutions of higher education.

Category Criminal Law

Description As to higher education institutions conducting marijuana research, this legislation allows both private and public institutions in Tennessee, certified by the drug enforcement administration, to broaden their research parameters to include intractable seizures, cancer, and other diseases.

Public Chapter PC 1083

Citations T.C.A. 39-17-402

SB1611 / HB2032 Licensure of industrial hemp processors and distributors.

Category Agriculture

Description Adds to the definition of "industrial hemp" plants and plant parts of the genera cannabis that do not contain a delta-9 tetrahydrocannabinol (THC) concentration of more than three tenths of one percent (0.3%) on a dry mass basis that are grown by an institution of higher education in this state that offers a baccalaureate or post-graduate level program of study in agricultural sciences, in addition to those plants grown by a certified agency. Requires the Department of Agriculture (DOA) to promulgate rules concerning industrial hemp production and processing. Requires growers and processors of industrial hemp in Tennessee to obtain an annual license from the DOA and to pay any applicable fees. Authorizes DOA to inspect industrial hemp crop or inventory for compliance, prior to issuing a license. Establishes that if

any grower or processor fails to obtain a license, any industrial hemp in the grower's or processor's possession shall be considered marijuana.

Public Chapter PC 891

Citations Title 43

SB1572 / HB1478 Establishes Class C felony for sixth offense DUIs.

Category Criminal Law

Description Punishes sixth offense DUI as a Class C felony. Clarifies "prior convictions" for purposes of enhancing a DUI sentence. Removes Class E felony designation for third or subsequent conviction for simple possession or casual exchange of a controlled substance in certain situations. Changes sentencing requirements related to the offense of carjacking.

Public Chapter PC 876

Citations Title 39,40, & 55

SB1582 / HB1648 DUI conviction - use of transdermal monitoring device, GPS.

Category Transportation Vehicles

Description Allows a court to order a person convicted of DUI to be subject to monitoring using a transdermal monitoring device, electronic monitoring with random alcohol or drug testing, global positioning monitoring, or any other monitoring device necessary to ensure compliance with the conditions of probation or the results of any clinical substance abuse assessment. Requires the court, department of correction, or any other agency responsible for supervision, in relation to defendants subject to monitoring, to ensure periodic reporting, to require the defendant to have the device monitored for proper use and accuracy every 30 days, and to immediately notify the court of any violations by the defendant.

Public Chapter PC 653

Citations 55-10-402

SB2399 / HB2424 Interlock assistance fund - cost of transdermal monitoring.

Category Transportation Vehicles

Description Changes the interlock assistance fund and renames it the DUI monitoring fund. States that if outpatient treatment is ordered by the court, transdermal monitoring devices or other alcohol or drug monitoring devices may be used. Provides that indigent persons are to pay what they are able to for any portion of the costs for such devices, and that the remaining portion is to come from the DUI monitoring fund. States that all money in the fund is to be used by indigent persons to pay for costs associated with ignition interlock devices and transdermal monitoring devices or other alcohol or drug monitoring devices, with a cap of \$200. Changes any reference of the "interlock assistance fund" to the "DUI monitoring fund." Adds language to mandate funds from the DUI Monitoring Fund be used to cover all the administrative costs incurred by the Department of Treasury in administering the DUI Monitoring Fund. Adds language to clarify that a DUI offender may be housed in an alternative facility in the event the appropriate municipal or county jail or workhouse lacks sufficient space to house the offender. Requires such offender to be responsible for the cost and fees involved with the program and specifies that the court does not have authority to provide public funds to offset any indigent costs associated with the program.

Public Chapter PC 993

Citations Titles 40 & 55

SB2576 / HB1427 Officers must use NCIC background checks during arrests.

Category Criminal Law

Description Requires a law enforcement officer, after arresting a person for vehicular assault, vehicular homicide by intoxication, aggravated vehicular homicide, or DUI, but prior to the determination of bail, to exercise due diligence to determine whether the person has any prior arrests for vehicular assault, vehicular homicide by intoxication, aggravated vehicular homicide, or DUI.

Public Chapter PC 1075

Citations Title 40

SB593 / HB587 Enhancement factor - robbery of pharmacy under certain conditions.

Category Criminal Law

Description Creates a new sentencing enhancement factor when the defendant committed the offense of robbery, aggravated robbery, or especially aggravated robbery on the premises of a licensed pharmacy in an effort to unlawfully obtain, sell, give, or exchange a controlled substance, controlled substance analogue, or other illegal drug.

Public Chapter PC 1025

Citations Titles 39 & 40

SB2582 / HB2416 Revises workers' compensation and drug-free workplace provisions.

Category Workers Compensation

Description Decreases from 30 to 15 the number of days after an injury that written notice must be given to an employer for workers' compensation purposes. Authorizes the Court of Workers' Compensation to award attorney's fees and reasonable costs in decisions. Deletes the annual educational requirement for employers who participate in the Tennessee Drug Free Workplace program. Authorizes an ombudsman who is a licensed attorney to provide limited legal advice, but not represent any party as the party's attorney.

Public Chapter PC 1056

Citations Title 50

SB1629 / HB1660 Termination date for legislation on woman assault of a fetus.

Category Criminal Law

Description Removes the July 1, 2016, termination date on the statute permitting the prosecution of a woman for assault of a fetus based on her illegal use of narcotic drugs while pregnant and creating the affirmative defense that the woman completed an addiction recovery program.

Senate Status 01/21/2016 - Referred to Senate Judiciary Committee.

House Status 03/22/2016 - Failed in House Criminal Justice Subcommittee.

Citations Title 39

GENERAL HEALTH/HEALTH INSURANCE/HEALTH ADMINISTRATION RELATED LEGISLATION

SB1619 / HB1955 Details applications of a future mandated health benefit.

Category Public Employees

Description Requires any state mandated health benefit that takes effect on or after the effective date of this act to apply not only to private health insurance issuers but also to any state or local insurance program and any managed care organization contracting with the state to provide insurance through the TennCare program.

Executive Status PC 683

Citations Title 56

SB1722 / HB1977 Technical assistance groups of healthcare providers.

Category Health Care

Description Creates the TennCare Omnibus Act of 2016. Requires the Bureau of TennCare or the Division of Health Care Finance and Administration (HCFA) of the Department of Finance and Administration to report on the use of technical assistance groups (TAGs) of healthcare providers in developing any episode of care. The reports are to include all recommendations made by TAGs throughout the period of implementation of any episode of care. The Bureau is to summarize the recommendations of any TAGs concerning the payment reform initiative and identify any action taken by the Bureau or HCFA to address those recommendations in the currently required quarterly reports to the General Assembly. The Bureau and HCFA are to report, by July 1 of each year, to the Health Committee of the House of Representatives and the Health and Welfare Committee of the Senate concerning the use of TAGs and on each recommendation made by those groups and the response by the Bureau or HCFA to each recommendation. No later than October 1, 2016, the Deputy Commissioner of Finance and Administration responsible for the TennCare program is to establish a procedure permitting data sets to be obtained from the all payer claims database and any managing vendor of the database by the Department of Finance and Administration, the Department of Health, the

Department of Mental Health and Substance Abuse Services, the Department of Intellectual Disabilities and Developmental Disabilities, and other departments of this state. Increases the number of members, from 11 to 13, of the TennCare Advisory Commission. Those two members being the Chair of the Health Committee of the House of Representatives, or the Chair's designee, and the Chair of the Health and Welfare Committee of the Senate, or the Chair's designee. Additionally adds these two members to serve as ex officio members of the state TennCare Pharmacy Advisory Committee.

Public Chapter PC 1079

Citations Title 71

SB1836 / HB1872 Annual Coverage Assessment of 2016.

Category Health Care

Description Enacts the "Annual Coverage Assessment Act of 2016". Annual coverage assessment means, the annual assessment imposed on covered hospitals. Imposes an annual coverage assessment of 4.52 percent on each covered hospital licensed as of July 1, 2016 for fiscal year 2016-2017. Specifies that to the extent funds permit, the total amount of \$3,000,000 from funds remaining in the trust fund as of June 30, 2016, are to fund critical access hospital charity costs for FY15-16 and after these expenditures have been made, if there are still remaining funds, up to the total amount of \$3,000,000 for reimbursement to offset a portion of the remaining critical access hospital charity costs.

Public Chapter PC 854

Citations Title 71

SB1842 / HB1730 Certificate of need process modified.

Category Health Care

Description Makes changes to the Certificate of Need application process.

Public Chapter PC 1043

Citations Title 68

SB2027 / HB2006 Employment of medical professionals by charitable clinics.

Category Professions & Licensure

Description Authorizes the employment of certain medical professionals, including dentists, optometrists, and osteopathic physicians by charitable clinics. States that anesthesiologists, emergency room physicians, pathologists, and radiologists are excluded from the provisions of the bill.

Public Chapter PC 766

Citations Title 63

SB1873 / HB1809 Exemption from medical licensure requirements for certain students.

Category Professions & Licensure

Description Exempts medical students, interns, residents and clinical fellows from the requirement of license to practice medicine or surgery in this state when such persons are participating in a training program of one of the accredited medical schools or one of its affiliated teaching hospitals in this state, or performing duties assigned to meet the requirements of the training program, and while under the supervision and control of a physician fully licensed to practice medicine or surgery in this state. Requires the program director or the dean responsible for the training program to apply to the board for an exemption and to notify the board of the termination of each person participating in these training programs. Adds language to state that it is the responsibility of the program director or dean of the training program to apply to the Board of the Osteopathic Examination for an exemption for medical students, interns, residents, or fellows participating in the training program.

Public Chapter PC 632

Citations Title 63

SB1979 / HB2088 Task force to study issues related to healthcare services.

Category Health Care

Description Creates a scope of practice task force to study issues related to healthcare services, including discussion of a plan to allow healthcare providers to work to the full extent of their education, training, experience, and certification. Specifies that the task force will make a report and cease to exist by January 10, 2017.

Public Chapter PC 1046

SB1989 / HB2054 Entities to stock epinephrine auto-injectors on their premise.

Category Health Care

Description Allows authorized entities to stock epinephrine auto-injectors on their premises. Defines "authorized entity" to mean an entity or organization at which allergens capable of causing anaphylaxis may be present, including, but not limited to, a recreation camp, college, university, place of worship, youth sports league, amusement park, restaurant, place of employment, and sports arena. Authorizes employees, agents, and laypersons to provide or administer an epinephrine auto-injector under certain circumstances. Requires rules promulgated relative to implementing the provisions of this legislation be provided to the chairs of the house and senate health committees at the same time the rules are made available to the house and senate government operations committees in order for the health committees to be afforded opportunity to comment.

Public Chapter PC 805

Citations Title 68

SB2383 / HB2013 Requirements for medication aide program.

Category Professions & Licensure

Description Revises training and other requirements for medication aid certification. Requires rules promulgated relative to implementing the provisions of this legislation be provided to the Chairs of the House and Senate Health Committees at the same time the rules are made available to the House and Senate Government Operations Committees in order for the Health Committees to be afforded opportunity to comment.

Public Chapter PC 1051

Citations Title 63

STATE GOVERNMENT RELATED LEGISLATION

SB1649 / HB1701 False statements in relation to audit by comptroller.

Category Criminal Law

Description Specifies that it is an offense for a state employee to intentionally interfere with, impede, or obstruct access to any documentation or communications that is requested during or in relation to an audit conducted by or on behalf of the Comptroller of the Treasury if that employee, based on experience, training and longevity, knew or should have known what information, documentation, or communication was being requested. It is an offense for a supervisor to intentionally to: (1) instruct, direct, or encourage an employee to make a false statement, entry, notation, or report during or in relation to an audit; (2) Alter, destroy, or conceal information, documentation, or material having evidentiary value to an audit; or (3) Interfere with, impede, obstruct, or limit access to any information, documentation, or communication that is requested during or in relation to an audit.

Public Chapter PC 939

Citations Title 39

SB1471 / HB1702 Reporting functions of public entities.

Category Government Organization

Description Makes multiple changes to various requirements regarding the reporting of certain specified information to the Speakers of the Senate and House of Representatives, to the various standing committees of the General Assembly, to the chairs of various standing committees, to certain members of the General Assembly, and to other specified individuals, when such information is to be reported from the various state departments, agencies, bureaus, boards, offices, commissions, committees, and other state entities. TDMHSAS to include an executive summary when submitting report required by T.C.A. 9-4-5404.

Public Chapter PC 0797

Citations Titles 3, 4, 9, 17, 23, 2933, 37, 49, 64, 65, 67, & 71

SB1573 / HB1492 Reports to also be filed with legislative reference and law library.

Category Government Organization

Description Requires a copy of all reports filed with the general assembly, the speakers of the general assembly, a committee of the general assembly, or any combination thereof pursuant to statutory requirements to additionally be filed with the legislative reference and law library.

Executive Status PC 651

Citations Title 3

SB2389 / HB2068 Clarifies agency power under UAPA.

Category Government Regulation

Description Makes changes to the Uniform Administrative Procedures Act. It is advised that all governmental attorneys review this legislation.

Public Chapter PC 1051

Citations Title 4

SB2469 / HB2201 Right to Earn a Living Act.

Category Professions & Licensure

Description Enacts the "Right to Earn a Living Act." Requires each licensing authority to submit a copy of each entry regulation promulgated or adopted by such authority to the Government Operations Committees of the General Assembly no later than December 31, 2016. Requires these Committees to issue a joint report regarding any findings and recommendations to the General Assembly no later than January 1, 2018. After such date, requires each licensing authority to submit a copy of any entry regulation promulgated after the previous submission. Exempts certain regulatory boards, commissions, councils, and committees from these requirements. Requires the Government Operations Committees of the Senate and the House of Representatives to review such regulations and make recommendations regarding such regulations. Authorizes the Committees to recommend that such regulations be amended or repealed by the agency. The Committees may recommend to the General Assembly that any regulatory authority failing to comply with a recommendation be suspended.

Public Chapter PC 1053

Citations Title 4

SB1576 / HB1624 Continues permanent rules filed by secretary of state.

Category Government Organization

Description Continues permanent rules filed with the secretary of state after January 1, 2015.

Public Chapter PC 929

Citations None

SB1688 / HB2035 Online submission of rules allowed.

Category Government Regulation

Description Authorizes the secretary of state to require the online submission of rules, notices of hearings, and related filings. Permits, instead of requires, the secretary of state to adopt model rules of procedure in accordance with rulemaking requirements. Allows secretary of state to require online submission of economic impact statements.

Public Chapter PC 576

Citations Title 4

SB1644 / HB1687 Public hearings on termination of governmental entity.

Category Government Organization

Description Removes requirement that a notice of intent to hold a public hearing on the termination, continuation, reestablishment, or restructuring of a governmental entity be published at least once every 90 days.

Public Chapter PC 574

Citations Title 4

SB1741 / HB1972 Establishes the position of executive internal auditor.

Category Government Organization

Description Establishes the appointed position of executive internal auditor and gives the position various responsibilities related to internal audits of

executive branch agencies.

Public Chapter PC 824

Citations Title 4

SB1940 / HB1992 Notification to procurement if state vendor being investigated.

Category Government Contracts

Description Specifies that a "vendor" includes a legal entity that is currently under contract with a state department or agency; that bids on a contract with a state department or agency; or attempts to amend a current contract. Requires a vendor who is indicted for or convicted of, or pleads guilty or nolo contendere to, any violation under the Sherman Antitrust Act (15 U.S.C. §§ 1-7); mail fraud under 18 U.S.C. § 1341; any federal or state criminal statute in connection with any contract let or funded, in whole or in part, by this state or any other state or territory of the United States; or any federal or state crime as the result of any investigation into such violations or crimes, within 30 days after receiving notice of such indictment, conviction, or plea, to provide a copy of the indictment, final judgement of conviction, or plea agreement to the CPO. Requires the CPO to forward a copy of the indictment, final judgement of conviction, or plea agreement to the Executive Director of the FRC and to the COT. Subjects a vendor, who knowingly fails to provide such notice and who enters into a new contract or amended contract, to a fine of not less than \$10,000. If the total price of the contract is greater than \$200,000, the fine shall not exceed five percent of the total contract price. Authorizes a state department or agency to terminate a vendor's contract found to be in violation of this section. The bill as amended will apply to all contracts entered into on or after July 1, 2016.

Public Chapter PC 730

Citations Title 4

SB2547 / HB1544 Online payments to state government.

Category Public Finance

Description Authorizes the commissioner of finance and administration to have responsibility over the overall management of the state's portal, including: authorizing the assessment of additional charges on e-commerce payment activity to recover the costs of providing such services; accepting electronic payments online; establishing policy guidelines responsible for governing such charges; and reviewing the chief information officer's annual report concerning the operation of the portal. Provides that additional charges on such forms of payment shall only be assessed when an optional method of payment is available, and in no instance shall such charges exceed the actual costs incurred to deliver the e-commerce services. Clarifies that an online payment through the state portal does not discharge an obligation to the state until the state receives actual final payment. Part of Administration Package.

Public Chapter PC 880

Citations Title 4

SB2033 / HB2082 Protecting personally identifying information in government records.

Category Public Finance

Description Defines "public records request coordinator" and "records custodian." Revises the requirements relating to the protection of personally identifying information in public records. Requires every governmental entity to establish a written public records policy. Prevents governmental entities from publicly disclosing personal information or a citizen's information unless authorized or made to certain consumer reporting agencies or financial institutions. Removes the provision for dissemination of social security numbers. Requires the office of open public records to establish a model best practices and public records policy. Requires the Office of Open Records Council to provide a proposed draft of any policy or guideline to the Advisory Committee on Open Government for comment before establishing that policy or guideline. Establishes July 1, 2017 as the date by which every affected governmental entity shall establish a written public records policy.

Public Chapter PC 722

Citations Title 4, 8, & 10

SB2004 / HB1721 Public chapter review by fiscal review committee.

Category Public Finance

Description Increases the time frame for public chapter review of estimated versus actual cost by fiscal review committee staff from 60 days to 90 days from the end of the annual legislative session.

Public Chapter PC 708

Citations Title 3

SB2022 / HB1791 Supreme court to set costs for functions performed by court clerks.

Category Judiciary

Description Grants the TN Supreme Court authority to set all fees, charges, and surcharges of the clerk at levels sufficient to offset the costs of administering the clerk's office.

Public Chapter PC 721

Citations Title 8

SB1497 / HB1621 Sunset- applied behavior analyst licensing committee of the BOE.

Category Government Organization

Description Extends the applied behavior analyst licensing committee of the board of examiners in psychology six years to June 30, 2022. Requires removal of any committee member who misses more than 50 percent of the scheduled meetings of the committee in a calendar year.

Public Chapter PC 609

Citations Title 4 & 63

SB1513 / HB1605 Sunset- controlled substance database advisory committee.

Category Government Organization

Description Extends the controlled substance database advisory committee two years to June 30, 2018. Requires the committee to appear before the government operations joint evaluation committee on education, health and general welfare no later than November 18, 2016, to provide an update on the advisory committee's progress in addressing the findings set forth in the October 2015 performance audit report issued by the division of state audit.

Public Chapter PC 546

Citations Title 4

SB1541 / HB1577 Sunset - TennCare pharmacy advisory committee.

Category Government Organization

Description Extends the state TennCare pharmacy advisory committee four years to June 30, 2020.

Public Chapter PC 564

Citations Title 4

SB2622 / HB1626 Codifies the acts of the 2015 legislative session.

Category Government Organization

Description Codifies the acts of the 2015 legislative session.

Public Chapter PC 569

SB2653 / HB2629 Appropriations - fiscal years beginning July 1, 2015 and July 1, 2016.

Category Public Finance

Description Makes appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2015, and July 1, 2016.

Executive Status 04/21/2016 – Signed by Governor Haslam.

SB2655 / HB2631 Bond issuance.

Category Public Finance

Description Authorizes the State of Tennessee, via its funding board, to issue and sell its bonds and bond anticipation notes to provide for acquisition of equipment and sites, and erection, construction and equipment of sites and buildings.

Public Chapter PC 1060

SB2654 / HB2630 Implementation bill

Category Public Finance

Description Makes various statutory revisions for the implementation of the appropriations act (SB2653/HB2629).

MISCELLANEOUS

SB2567 / HB2576 Public Safety Act of 2016.

Category Family Law

Description Enacts the Public Safety Act of 2016, which, in part, makes changes to various domestic assault and temporary order of protection statutes, as well as to sentencing statutes regarding the criminal offense of theft. Part of the Administration's Package.

Public Chapter PC 906

Citations Titles 36, 39, 40, 41-03-0602, 36-03-0605, 36-03-0619, 39-13-0100, 39-13-0101, 39-13-0111, 39-14-0100, 39-14-0105, 39-14-0403, 39-14-0404, 39-17-0417, 40-00-0000, 40-28-0701, 40-28-0702, 40-28-0703, 40-28-0704, 40-28-0705, 40-28-0706, 40-35-0104, 40-35-0113, 40-35-0114, 40-35-0202, 40-35-0207, 40-35-0210, 40-35-0311, 40-35-0501, 41-01-0000, 41-01-0400, 41-21-0236

SB1848 / HB1824 Elder abuse - background checks and adult protective services.

Category Government Organization

Description Requires the commissioner of the department of human services to establish within the department an adult protective services working group. Requires the working group to examine and explore the procedures and resources used by other states to investigate all allegations of financial exploitation of the elderly. Revises requirements for criminal background checks in nursing homes and home care organizations. Requires the executive director of the commission on aging and disability to establish a working group that includes the division of adult protective services of the department of human services, the department of health, the district attorneys general conference, members of local law enforcement, and other state departments and agencies as needed. Requires the working group to draft and develop a field guide to provide law enforcement with the specific statutes and other resources related to assisting the prevention, investigation and prosecution of elder abuse. Requires services and facilities operated for the provision of mental health and substance abuse services and services of intellectual and developmental disabilities to require a background check prior to employment with such organizations when responsibilities would include direct contact with or direct responsibility for service recipients.

Public Chapter PC 1044

Citations Title 33, 47, 68, and 71

SB1581 / HB1495 Driving on a suspended or revoked license.

Category Transportation Vehicles

Description Deletes requirement that a person's driver license be suspended for an additional like period if convicted of driving on a suspended or revoked license. Allows for a payment plan to the court if convicted. Allows a court to reinstate driving privileges after application is submitted and \$65 fee is paid for the individual through a restricted driver license contingent upon the person participating in a payment plan for any unpaid fines or costs. Removes driving privileges if the person defaults on court payment.

Public Chapter PC 748

Citations Title 55

SB1921 / HB1964 Purchasing of firearm by subject of order of protection.

Category Criminal Law

Description Requires the instant check unit of the TBI to contact the agency making an entry of an order of protection into the national crime information center within one day if the subject of the order of protection attempts to purchase a firearm.

Public Chapter PC 729

Citations Title 38

SB2190 / HB2030 Protections for the rights of a ward of a conservator.

Category Family Law

Description Names the bill the "Campbell/Falk Act." Adds the right to communication, visitation, or interaction with other persons, including the right to receive visitors, telephone calls, or personal mail to the list of powers removed from the respondent to be vested in the conservator. Authorizes certain individuals to petition the court to require the conservator to grant certain rights. The prevailing party in a petition under this section shall be entitled to court costs and reasonable attorney fees. If a respondent is unable to express consent to communication, visitation, or interaction with a person due to a physical or mental condition, then consent of the respondent may be presumed based on the respondent's prior relationship history with the person.

Public Chapter PC 1062

Citations Title 34

SB2375 / HB2040 Zoning consideration of temporary family healthcare structures.

Category Property & Housing

Description Defines "temporary family healthcare structure." Requires the Bureau of TennCare to seek, as part of the plan to expand cost-effective community-based residential alternatives to institutional care, written guidance from the centers for Medicare and Medicaid services regarding whether temporary family healthcare structures may be covered in whole or in part under the Long-Term Care Community Choices Act, and , if so, shall, upon appropriation by the General Assembly, specifically to cover temporary family healthcare structures, seek federal approval of a waiver amendment to offer such benefit to eligible older adults and person with disabilities who chose temporary family healthcare structures in lieu of care in other settings. Clarifies that any waiver approved shall apply only to a person who meets the CHOICES 2 activities of daily living criteria and meets financial eligibility requirements for medical assistance under this chapter and is either a person with a developmental or intellectual disability or an older adult who is related to the owner or occupier of the property. Adds language to enhance the authority of local codes departments relative to the temporary family healthcare structures.

Public Chapter PC 992

Citations Title 13 & 71

SB2584 / HB2493 Reporting standards in the juvenile justice system.

Category Judiciary

Description Requires the Commissioner of Children's Services to report to the Governor and the Chief Clerks of the Senate and the House of Representatives on probation and juvenile justice evidence-based treatment services. States that the report is to contain probation information, custodial information, recidivism and system penetration information, and evidence-based services information.

Public Chapter PC 1005

Citations Title 37

SB2419 / HB2298 Confidentiality of assessment reports compiled by juvenile court.

Category Judiciary

Description Specifies that all reports and materials compiled by the juvenile court in Davidson County in connection with an assessment report are to be deemed confidential and are not public record. Also specifies that assessment reports and related materials are not subject to any court subpoena. Specifies the limited purposes for which access to assessment reports and related materials are to be granted. Specifies that "assessment report" means a report compiled by the juvenile court assessment team.

Public Chapter PC 833

Citations Title 37

SB2588 / HB1936 Establishes an adult protective investigative team.

Category Judiciary

Description Requires the District Attorney General of each judicial district to establish, by January 1, 2017, a Vulnerable Adult Protective Investigative Team (VAPIT) in order to coordinate the investigation of suspected instances and coordinate responses to suspected instances of abuse, neglect, or exploitation of an adult. The VAPIT will consist of representatives of the District Attorney General, local law enforcement agencies, the Department of Human Services' (DHS) Adult Protective Services, and any other entity which the District Attorney General determines necessary. Each VAPIT is to meet quarterly to conduct coordinated responses and investigations of instances of suspected abuse, neglect, or exploitation of adults. Requires, by December 1 of each year, each District Attorney General to file a report with the Chairs of the Judiciary Committee of the Senate and the Criminal Justice Committee of the House of Representatives that summarizes the work of the VAPIT for the previous calendar year.

Public Chapter PC 1006

Citations Title 71

SB1936 / HB2004 Rulemaking, reporting functions of commission on aging.

Category Government Regulation

Description Requires the commission on aging and disability to provide the general assembly, no later than January 15 of each year, an updated report and analysis of the waiting list for the state options program. Clarifies that one of the rulemaking responsibilities of the commission includes promulgating, amending and revising rules necessary for the proper management and oversight of the home and community based options programs. Revises other rulemaking functions of the commission.

Public Chapter PC 690

Citations Title 71

SB1597 / HB1651 Civil proceedings - persons adjudicated incompetent.

Category Judiciary

Description States that a person over the age of 18 is presumed competent. Provides that a person under 18 or proven to lack capacity at the time a cause of action accrued, or the person's representatives or privies, may commence a lawsuit within the applicable statute of limitations after removal of such incapacity, but if the statute of limitations is more than three years, then the person or his or her representatives must commence the action within three years of the removal of the incapacity. Requires any person with court-ordered fiduciary responsibility for a person who lacks capacity or any individual who possesses the legal right to bring suit on behalf of a person who lacks capacity to commence the action on behalf of the person with the incapacity within the applicable statute of limitations if the fiduciary representative knows the cause of action has accrued. Clarifies that the fiduciary representative may not rely on any tolling of the statute of limitations, unless that individual can establish by clear and convincing evidence that the individual did not and could not reasonably have known of the accrued cause of action. Clarifies that the bill as amended will not affect or toll any statute of repose. Clarifies that "person who lacks capacity" is to be interpreted with "person of unsound mind" as found in T.C.A. 28-1-106 prior to its amendment by Chapter 47 of the Public Acts of 2011. Provides that this shall take effect upon passage, instead of July 1, 2016.

Public Chapter PC 932

Citations Title 28

SB2049 / HB2421 Missing citizen alert program.

Category Criminal Law

Description Encourages local law enforcement agencies to develop area-specific protocols for a situation in which a missing citizen has wandered due to dementia or physical impairment. Additionally, encourages the TBI to develop activation cards similar to the Amber Alert Activation Card for missing citizens who have wandered due to dementia or physical impairment.

Public Chapter PC 972

Citations T.C.A. 38-6-121