

Legislative Report
Council on Children's Mental Health
April 27, 2017

CRIMINAL LAW

SB197/HB274 Rules for sentencing juveniles convicted in criminal court.

Sponsors: Sen. Overbey, Doug , Rep. McCormick, Gerald

Summary: Establishes factors a court must consider when sentencing a juvenile who has been transferred and convicted in adult court, such as age, level of participation in the crime, family environment, intellectual capacity, etc. Sets a maximum number of years, depending on whether the crime results in death or not, a juvenile can be required to serve for adult crimes. Makes the provisions retroactive to juveniles serving adult sentences prior to effective date.

Amendment Summary: House Criminal Justice Subcommittee, Senate Judiciary Committee Amendment 1 (006878) rewrites the bill to provide release eligibility to a person sentenced to imprisonment for life for first or second degree murder after 30 calendar years if the person committed the offense when he or she was less than 18 years of age. Provides that any other offense sentenced to run consecutively or concurrently to the first or second degree murder sentence shall not operate to extend the release eligibility beyond 30 calendar years. Applies to persons serving a sentence of imprisonment for life without the possibility of parole. Applies retroactively to anyone serving a sentence of imprisonment for life or imprisonment for life without the possibility of parole.

Fiscal Note: (Dated March 23, 2017) Decrease State Expenditures \$4,393,300/Incarceration*

Senate Status: 04/12/17 - Senate Judiciary Committee recommended with amendment 1 (006878). Sent to Senate Finance.

House Status: 04/19/17 - Taken off notice in House Criminal Justice Committee.

SB378/HB345 Criminal offense defendants with severe mental illness.

Sponsors: Sen. Briggs, Richard , Rep. Farmer, Andrew

Summary: Prohibits the death penalty as a punishment for defendants suffering from severe mental illness at the time of the offense.

Amendment Summary: Senate Judiciary Committee Amendment 1 (006227) makes no substantive changes. Includes specification of bipolar and major depressive disorder with psychotic features.

Fiscal Note: (Dated March 3, 2017) NOT SIGNIFICANT

Senate Status: 03/28/17 - Senate Judiciary Committee deferred to Summary Study after adopting amendment 1 (006227).

House Status: 02/07/17 - Referred to House Criminal Justice Subcommittee.

SB552/HB616 Creates pilot program for treatment of minor victims of human trafficking.

Sponsors: Sen. Ketron, Bill , Rep. Coley, Jim

Summary: Requires the department of children's services to partner with a facility to create a pilot program for the treatment of minor victims of trafficking for a commercial sex act. At the end of the program, requires the department to submit a report to the senate judiciary committee and criminal justice committee of the house of representatives.

Amendment Summary: House Criminal Justice Committee Amendment 1, Senate Judiciary Committee Amendment 1 (004936) rewrites the bill to add language that requires DCS to submit the required report by April 1, 2019. This amendment also changes the effective date to January 1, 2018 and deletes

the provisions of the legislation as of January 1, 2019.

Fiscal Note: (Dated March 10, 2017) Increase State Expenditures - \$740,900 Increase Federal Expenditures - \$573,100

Senate Status: 04/04/17 - Senate Judiciary Committee recommended with amendment 1 (004936). Sent to Senate Finance.

House Status: 04/19/17 - House Finance Subcommittee placed behind the budget.

EDUCATION

SB196/HB483 Establishes a progressive truancy intervention program in K-12 schools.

Sponsors: Sen. Overbey, Doug , Rep. Forgety, John

Summary: Establishes a progressive truancy intervention program in K-12 schools that involves tiers of pre-juvenile court programs designed to keep a truant child out of the juvenile court system. Specifies additional interventions that may consist of school-based community services, participation in a school-based restorative justice program, referral to a school-based teen court, or Saturday courses designed to improve attendance and behavior. Prohibits in-school suspension or out-of-school suspension from being used as part of the progressive truancy interventions adopted by schools for unexcused absences from class or school.

Amendment Summary: House Education Instruction and Programs Committee Amendment 1 (005780) deletes and rewrites the bill such that the only substantive changes are: (1) to require LEAs to designate funds for an attendance supervisor and to assign duties to the individual; (2) sets the maximum length of the attendance contract for students involved in progressive truancy intervention at 90 days or the last day of the semester; and (3) authorizes LEAs that have adopted an effective progressive truancy intervention program to present details of the intervention program to the Commissioner of the Department of Education (DOE) for approval in lieu of strict compliance with the provisions of the bill as amended. Senate Amendment 2 (006602) deletes and rewrites the bill such that the only substantive changes are: (1) to require LEAs to designate an employee as the attendance supervisor; (2) sets the maximum length of the attendance contract for students involved in progressive truancy intervention at 90 days or the last day of the semester; and (3) authorizes LEAs that have adopted an effective progressive truancy intervention program to present details of the intervention program to the Commissioner of the Department of Education (DOE) for approval in lieu of strict compliance with the provision of the bill as amended.

Fiscal Note: (Dated February 16, 2017) NOT SIGNIFICANT

Senate Status: 04/20/17 - Senate passed with amendment 2 (006602).

House Status: 04/05/17 - House Finance Subcommittee placed behind the budget.

SB341/HB720 Referrals to private counselors by school counselors.

Sponsors: Sen. Niceley, Frank , Rep. Parkinson, Antonio

Summary: Authorizes school counselors to refer students to private counselors with parental consent. Prohibits the LEA or counselor from covering the cost of the student's referral or services.

Amendment Summary: House Education Administration and Planning Committee Amendment 1, Senate Amendment 1 (004315) allows school counselors to refer or help parents find outside counselors for additional mental health assessment or services. If such a referral happens, neither the school system nor LEA is responsible for the cost of the outside counselor.

Fiscal Note: (Dated February 24, 2017) NOT SIGNIFICANT

Senate Status: 03/06/17 - Senate passed with amendment 1 (004315).

House Status: 03/13/17 - House passed.

Executive Status: 03/29/17 - Enacted as Public Chapter 0018 effective July 1, 2017.

SB458/HB448 Schools to maintain an opioid antagonist in secure, unlocked location.

Sponsors: Sen. Bell, Mike , Rep. Forgety, John

Summary: Requires the state board of education, in consultation with the department of health, to develop guidelines for the management of students presenting with a drug overdose for which administration of an opioid antagonist may be appropriate. Authorizes each school within an LEA and each nonpublic school to maintain an opioid antagonist at the school in at least two unlocked, secure locations, including, but not limited to, the school office and the school cafeteria so that an opioid antagonist may be administered to any student believed to be having a drug overdose.

Amendment Summary: Senate Amendment 1 (004084) fixes a clerical error by changing the phrase "epinephrine auto-injector" to "opioid antagonist" in (c)(3).

Fiscal Note: (Dated February 20, 2017) Increase Local Expenditures - \$135,100/Permissive

Senate Status: 03/16/17 - Senate passed with amendment 1 (004084).

House Status: 04/20/17 - House passed.

Executive Status: 04/20/17 - Sent to the speakers for signatures.

SB558/HB372 Tom Cronan Physical Education Act.

Sponsors: Sen. Ketron, Bill , Rep. Kane, Roger

Summary: Requires each student in elementary school to participate in a physical education class that meets at least twice per week for no less than 60 minutes total. Requires that the teacher of these classes be licensed with an endorsement in physical education. Allows students with medical conditions or disabilities to be excused from this requirement by a physician's certification in writing. Requires each LEA to file an annual report verifying that it has met these requirements.

Amendment Summary: Senate Education Committee, House Education Instruction & Programs Committee Amendment 1 (004654) rewrites the bill. It requires each student in elementary school to participate in physical education twice a week for a total of at least sixty minutes. The teacher must be qualified and have a licensed endorsement in physical education. The classes must accommodate students of all needs, including physical disabilities. Local governments will bear any expenditures. The LEA will look over the schools' physical education programs. The fiscal cost accounts for the fact that some counties do not currently employ full-time physical education teachers.

Fiscal Note: (Dated February 18, 2017) Increase Local Expenditures \$253,600*

Senate Status: 03/22/17 - Senate Education Committee recommended with amendment 1 (004654). Sent to Senate Finance.

House Status: 04/19/17 - House Finance Subcommittee placed behind the budget.

SB614/HB695 Teacher training programs to partner with stakeholders in neurological or brain science research.

Sponsors: Sen. Watson, Bo , Rep. Williams, Ryan

Summary: Encourages teacher training programs to partner with stakeholders in neurological or brain science research to provide educators with knowledge of cognitive development and how emerging research in the brain sciences can inform educational practices and policies.

Amendment Summary: House Education Instruction and Programs Committee Amendment 1, Senate Amendment 1 (004336) rewrites the bill. All full-time educator preparation program faculty members who

are involved in the preparation of teachers shall further their professional development through direct personal involvement in the public school or LEA setting of pre-K - 12 on an annual basis. The faculty involvement must include: 1) Professional learning targeted to or led by pre-K - 12 educators; 2) Professional learning focused on LEA specific educational initiatives; 3) Direct instruction to pre-K - 12 students; 4) Curriculum development; 5) District level strategic partnerships; or 6) Direct observation of pre-K - 12 classrooms. After implementation, the state board of education shall meet at least annually for structured meetings to coordinate policy on educator preparation. House Finance Committee Amendment 1 (006921) deletes all language after the enacting clause. Requires full-time educator preparation program, faculty members, including academic deans, to have direct personal involvement in public schools or LEAs annually.

Fiscal Note: (Dated March 10, 2017) NOT SIGNIFICANT

Senate Status: 03/30/17 - Senate passed with amendment 1 (004336).

House Status: 04/25/17 - House Finance Committee recommended with amendment 1 (006921), which deletes all language after the enacting clause. Requires full-time educator preparation program, faculty members, including academic deans, to have direct personal involvement in public schools or LEAs annually. Sent to House Calendar & Rules.

SB662/HB45 Opportunity for physical activity for students in K-12.

Sponsors: Sen. Tracy, Jim , Rep. Dunn, Bill

Summary: Deletes the requirement for LEAs to provide students with certain periods of physical activity depending on grade level of student.

Amendment Summary: House Amendment 1 (003847) requires all elementary school students have at least 130 minutes and middle and high school students at least 90 minutes of physical activity per week. It also requires an annual report on implementation to be made by the Office of Coordinated School Health regarding inclusion of physical activity into the school day. House Amendment 2 (005134) adds a new subsection that says to satisfy the requirements of subdivision (a)(1), an LEA shall offer elementary students at least one fifteen-minute (15) minute period of physical activity per day. It also deletes the language "August 1" in subsection (c) of Section 1 of the bill and substitutes instead the language "October 1." It further clarifies that the requirements of subsection (a) may work in conjunction with the school's physical education program, but subsection (a) shall not replace the current physical education program in a school.

Fiscal Note: (Dated January 25, 2017) NOT SIGNIFICANT

Senate Status: 03/20/17 - Senate passed with amendment 1 (003847).

House Status: 03/16/17 - House passed with amendment 1 (003847) and amendment 2 (005134).

Executive Status: 04/13/17 - Enacted as Public Chapter 0099 effective April 4, 2017.

SB771/HB888 Use of restrooms and locker rooms at public schools.

Sponsors: Sen. Beavers, Mae , Rep. Pody, Mark

Summary: Requires students in public schools and public institutions of higher education to use restrooms and locker rooms that are assigned to persons of the same sex as that shown on the students' birth certificates.

Fiscal Note: (Dated March 6, 2017) Increase State Expenditures \$324,000 Other Fiscal Impact Federal funding to the state for education could be jeopardized. The extent and timing of any such withholding cannot be reasonably quantified. The Governors FY17-18 Budget Document includes federal K-12 funding of \$1,123,714,400 and Higher Education funding of

\$64,613,400. Economic impacts from the possible loss of conventions to the Nashville-Davidson County Metropolitan Area as well as other areas of the state could result in forgone state and local tax revenue. An exact amount and timing of any impact cannot be quantified, but the net impact is reasonably estimated to exceed \$300,000 in state tax revenue and exceed \$500,000 in local tax revenue.

Senate Status: 03/22/17 - Failed in Senate Education Committee for lack of a motion.

House Status: 03/28/17 - Taken off notice in House Education Administration and Planning Subcommittee.

SB1394/HB872 Prohibits the suspension or expulsion of students in pre-kindergarten and kindergarten.

Sponsors: Sen. Tate, Reginald , Rep. Akbari, Raumesh

Summary: Prohibits any student in pre-kindergarten through kindergarten (pre-K-K) to be suspended or expelled from school unless the student's behavior endangers the physical safety of other students or school personnel as determined by the director of schools. A student in pre-kindergarten through kindergarten (pre-K-K) whose behavior endangers the physical safety of other students or school personnel may be suspended for three (3) days or less. The student must be provided an opportunity for the student's anger, fear, or anxiety to subside and the student's teacher or principal or both have had a conversation with the student concerning the behavior and the underlying issues that may have precipitated the behavior before the student can be suspended or expelled. The principal must notify the parent of the student's suspension on the day the suspension occurs. Requires each LEA to adopt clear policies and procedures for addressing misbehavior of students in pre-kindergarten through kindergarten (pre-K-K) that creates a safe, supportive, and positive school climate and addresses misbehavior through interventions and consequences aimed at understanding and addressing the causes of the misbehavior. Allows the Tennessee state board of education to develop model policies and procedures to provide guidance to each LEA in adopting a policy. Requires each LEA to adopt its policies and procedures before the beginning of the 2018-2019 school year, and must inform parents of its policies and procedures concerning behavior management for students in pre-kindergarten through kindergarten (pre-K-K) at the beginning of each school year and must post its policies and procedures on its website.

Amendment Summary: House Amendment 1 (004969) rewrites the bill. Requires the Department of Education (DOE) to conduct a review of all current laws and policies related to exclusionary discipline of students in pre-kindergarten through kindergarten and present its findings no later than May 1, 2018. Requires the DOE to develop a model policy for alternatives to exclusionary discipline practices. Requires LEAs to adopt the model policy or develop their own policy prior to the 2018-19 school year.

Senate Status: 04/13/17 - Senate passed.

House Status: 04/10/17 - House passed with amendment 1 (004969).

Executive Status: 04/18/17 - Sent to governor.

FAMILY LAW

SB233/HB1236 Changes in the process of determination of a parent's ability to parent a child.

Sponsors: Sen. Harris, Lee , Rep. Akbari, Raumesh

Summary: Permits the court to require either or both parents to provide healthcare or mental health records to determine parent's ability to parent the child. Also permits court to require either or both parents to undergo an examination. If the court makes a finding that a parent's mental health records are necessary for the proceedings, the court shall conduct an in camera review of the parent's records for the purpose of redacting irrelevant or prejudicial material. Permits

the court to appoint a neutral third party to complete the in camera task. Requires that the records relating to the parent's ability to parent the child to be provided to both parties for use in a comparative fitness analysis. Permits the court to order an examination of a party under Rule 35 of the Tennessee Rules of Civil Procedure. Allows the court to draw a negative inference that the information would be adverse if a parent declines an Rule 35 examiner's request. Adds a parent's ability to instruct, inspire, and encourage the child to develop skills necessary to become a successful adult to the list of factors a court must consider when making a child custody determination.

Fiscal Note: (Dated February 5, 2017) NOT SIGNIFICANT
Senate Status: 04/04/17 - Taken off notice in Senate Judiciary Committee.
House Status: 04/05/17 - Taken off notice in House Civil Justice Subcommittee.

SB264/HB941 Supported Decision Making Agreement Act.

Sponsors: Sen. Massey, Becky , Rep. Carter, Mike
Summary: Enacts the Supported Decision Making Agreement Act, which allows for an adult with a disability to seek assistance in making certain decisions without forfeiting their self-determination as the ultimate decision-maker in their life.

Fiscal Note: (Dated February 2, 2017) NOT SIGNIFICANT
Senate Status: 03/28/17 - Senate Judiciary Committee deferred to Summer Study.
House Status: 04/05/17 - House Civil Justice Subcommittee deferred to 2018.

SB326/HB380 Prohibition of juveniles in solitary confinement.

Sponsors: Sen. Harris, Lee , Rep. Love Jr., Harold
Summary: Prohibits any child who is alleged to have committed a delinquent act or be unruly shall not be subject to solitary confinement while the child is detained in a juvenile facility.

Amendment Summary: House Criminal Justice Subcommittee Amendment 1 (007116) rewrites the bill such that the only substantive changes are redefining "solitary confinement" and adding additional language that specifies what does not include solitary confinement.

Fiscal Note: (Dated April 3, 2017) Increase State Revenue - \$1,100/One-Time/TBI Increase State Expenditures - \$1,100/One-Time/TBI \$59,400/One-Time/General Fund \$1,441,200/Recurring/General Fund
Senate Status: 02/08/17 - Referred to Senate Judiciary Committee.
House Status: 04/11/17 - Failed in House Criminal Justice Subcommittee after adopting amendment 1 (007116).

SB887/HB862 Tennessee Zero to Five Initiative.

Sponsors: Sen. Haile, Ferrell , Rep. White, Mark
Summary: Enacts the "Tennessee Zero to Five Initiative" to create five additional zero to five court programs throughout the state to be administered by the department of children's services. Requires the administrative office of the courts, in consultation with the department of children's services and the council of juvenile and family court judges, to determine the location of each program. Requires the administrative office of the courts to establish at least one program within each of the three grand divisions.

Amendment Summary: Senate Government Operations Committee Amendment 1 (004397) rewrites the bill to enact the "Tennessee Zero to Three Court Initiative," which focuses on children 36 months and younger. Requires the department of children's services, in consultation with the administrative office of the courts and the council of juvenile and family court judges to

determine the location of each program. Senate Judiciary Committee Amendment 1, House Civil Justice Committee Amendment 1 (006715) rewrites the bill and enacts the “Tennessee to Three Initiative.” Creates and establishes five zero to three court programs throughout the state on January 1, 2018. Requires the Department of Children’s Services (DCS), in consultation with the Administrative Office of the Courts (AOC) and the Council of Juvenile and Family Court Judges, to determine the location of each program. Requires the DCS, in consultation with the AOC and the Department of Mental Health and Substance Abuse Services (DMHSAS) to administer the zero to three court program. Requires the DCS to submit an annual report to the Civil Justice Committee of the House of Representatives and the Judiciary Committee of the senate by February 1, 2019 and each following February 1, of each year summarizing the results of the programs’ operation. Effective date beginning on January 1, 2018; ceasing to be effective on January 1, 2022.

Fiscal Note: (Dated February 28, 2017) Increase Federal Expenditures - \$250,000/FY17-18 \$500,000/FY18-19 \$500,000/FY19-20 \$250,000/FY21-22 Other Fiscal Impact The DCS has realized savings of approximately \$2,000,000 in Federal Title IV-E Waiver funds. Federal Title IV-E Waiver funds are required to be used to reform child welfare and improve safety, permanency, and well-being outcomes for children. The DCS will use these funds to administer the five Zero to Five courts until January 1, 2022.

Senate Status: 04/12/17 - Senate Finance, Ways & Means Committee deferred to 04/18/17.

House Status: 04/20/17 - Set for House Floor 04/27/17.

GOVERNMENT ORGANIZATION

SB68/HB224 Sunset- department of children's services.

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy

Summary: Extends the department of children's services to June 30, 2021. Requires the department to report back to the government operations committee on the department's response to the findings in the performance audit report by December 31, 2017.

Fiscal Note: (Dated February 1, 2017) NOT SIGNIFICANT

Senate Status: 03/29/17 - Senate Government Operations Committee recommended. Sent to Senate Calendar Committee.

House Status: 04/12/17 - House Government Operations Committee recommended. Sent to House Calendar & Rules.

SB72/HB250 Sunset- department of mental health and substance abuse services.

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy

Summary: Extends the department of mental health and substance abuse services four years to June 30, 2021.

Fiscal Note: (Dated February 2, 2017) NOT SIGNIFICANT

Senate Status: 02/13/17 - Senate passed.

House Status: 03/20/17 - House passed.

Executive Status: 04/06/17 - Enacted as Public Chapter 0051 effective March 31, 2017.

SB84/HB218 Sunset - second look commission.

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy

Summary: Extends the second look commission four years to June 30, 2021.

Fiscal Note: (Dated February 8, 2017) NOT SIGNIFICANT

Senate Status: 03/20/17 - Senate passed.
House Status: 03/29/17 - House Government Operations Committee recommended. Sent to House Calendar & Rules.

SB94/HB238 Sunset - statewide community services agency.

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy
Summary: Extends the statewide community services agency to June 30, 2018. Requires the agency to appear before sunset review committee in 2017 to discuss progress made in addressing findings in its 2016 audit.
Fiscal Note: (Dated February 11, 2017) NOT SIGNIFICANT
Senate Status: 02/23/17 - Senate passed.
House Status: 03/20/17 - House passed.
Executive Status: 04/06/17 - Enacted as Public Chapter 0066 effective March 31, 2017.

SB95/HB215 Sunset - statewide planning and policy council for the department of intellectual and developmental disabilities.

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy
Summary: Extends the statewide planning and policy council for the department of intellectual and developmental disabilities to June 30, 2022.
Fiscal Note: (Dated February 10, 2017) NOT SIGNIFICANT
Senate Status: 02/23/17 - Senate passed.
House Status: 03/20/17 - House passed.
Executive Status: 04/06/17 - Enacted as Public Chapter 0067 effective March 31, 2017.

SB96/HB249 Sunset - statewide planning and policy council for the department of mental health and substance abuse services.

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy
Summary: Extends the statewide planning and policy council for the department of mental health and substance abuse services to June 30, 2021.
Fiscal Note: (Dated February 10, 2017) NOT SIGNIFICANT
Senate Status: 02/23/17 - Senate passed.
House Status: 03/20/17 - House passed.
Executive Status: 04/06/17 - Enacted as Public Chapter 0068 effective March 31, 2017.

SB199/HB384 Tennessee Council on Autism Spectrum Disorder.

Sponsors: Sen. Overbey, Doug , Rep. Williams, Ryan
Summary: Terminates the autism spectrum disorder taskforce and creates the Tennessee council on autism spectrum disorder. The council shall consist of the commissioner of intellectual and developmental disabilities or the commissioner's designee, the commissioner of health or the commissioner's designee, the commissioner of education or the commissioner's designee, the commissioner of human services or the commissioner's designee, the commissioner of commerce and insurance or the commissioner's designee, the deputy commissioner of the bureau of TennCare or the deputy commissioner's designee, the commissioner of mental health and substance abuse services or the commissioner's designee, one representative of the council on developmental disabilities, and six adults who have a diagnosis of autism spectrum disorder or who are either family members or primary caregivers of persons with a diagnosis

of autism spectrum disorder. Two of the adult members shall represent each grand division of the state, and these persons shall be appointed by the governor. Persons appointed from the western grand division shall serve until June 30, 2019. Persons appointed from the middle grand division shall serve until June 30, 2020. Persons appointed from the eastern grand division shall serve until June 30, 2021. No member of the council can serve more than two consecutive three-year terms. The council shall meet quarterly and may meet more often upon a call of the chair, who is appointed by the governor. No council member shall receive compensation or reimbursement for actual travel and other expenses incurred in attending any meeting or performing any duties. Provides additional guidelines on the duties of the council.

*Amendment
Summary:*

Senate Amendment 1 (003081) adds language to the original bill to designate the Executive Director of the Commission on Children and Youth, or the Executive Director's designee, as an additional member on the Tennessee Council on Autism Spectrum Disorder. Senate Amendment 2 (003489) deletes and replaces language that extends the termination date for the Council to June 30, 2019, rather than June 30, 2018. Senate Amendment 3 (003852) adds language to the amended bill that: (1) changes, from six to nine, the number of adults who have a diagnosis of autism spectrum disorder, or who are either family members or primary caregivers of persons with autism spectrum disorder, to serve as members of the Council and (2) changes, from two to three, the number of adult members who are to represent each grand division of the state.

Fiscal Note: (Dated February 3, 2017) NOT SIGNIFICANT

Senate Status: 02/23/17 - Senate passed with amendment 1 (003081), amendment 2 (003489), and amendment 3 (003852).

House Status: 03/23/17 - House passed.

Executive Status: 04/06/17 - Enacted as Public Chapter 0086 effective July 1, 2017.

GOVERNMENT REGULATION

SB449/HB566 Guides to practice for administrative agencies.

Sponsors: Sen. Bell, Mike , Rep. Howell, Dan

Summary: Requires state government entities that establish or adopt guides to practice do so through the promulgation of rules. Specifies that guides to practice include codes of ethics, voluntary certification programs, and metrics for minimum qualities of service.

*Amendment
Summary:*

Senate Amendment 1 (005309) deletes and rewrites the bill, clarifies that the rules promulgated by entities pursuant to this legislation shall supersede any existing guides to practice developed or approved by a private organization or association that conflict with or are otherwise not included in such rules. Requires that no entity adopt guides to practice that a private organization or association developed or approved; only applies to guides to practice established, adopted, or amended after effective date. Rules will supersede existing guides.

Fiscal Note: (Dated March 10, 2017) NOT SIGNIFICANT

Senate Status: 04/03/17 - Senate passed with amendment 1 (005309).

House Status: 04/17/17 - House passed.

Executive Status: 04/20/17 - Sent to governor.

HEALTH CARE

SB195/HB338 Health insurance coverage for telehealth services at a school clinic or at a public elementary or secondary school.

Sponsors: Sen. Overbey, Doug , Rep. Ramsey, Bob

Summary: Requires health insurance entities to reimburse healthcare services providers for telehealth

services to a patient at a school clinic or at a public elementary or secondary school in a manner that is consistent with reimbursement for in-person encounters.

Amendment Summary: Senate Amendment 1 (004006) adds language to the original bill that requires the public elementary or secondary school to be staffed by a healthcare services provider and equipped to engage in the telehealth.

Fiscal Note: (Dated February 13, 2017) Increase State Expenditures - \$465,400 Increase Federal Expenditures - \$875,800 Increase Local Expenditures - \$1,269,000/Permissive

Senate Status: 03/27/17 - Senate passed with amendment 1 (004006).

House Status: 04/06/17 - House passed.

Executive Status: 04/19/17 - Enacted as Public Chapter 0130 effective April 17, 2017.

JUDICIARY

SB41/HB3 Licensed clinical social workers exempt from subpoena to trial.

Sponsors: Sen. Southerland, Steve , Rep. Goins, Tilman

Summary: Makes licensed clinical social workers exempt from subpoena to trial but subject to subpoena to a deposition.

Fiscal Note: (Dated January 17, 2017) NOT SIGNIFICANT

Senate Status: 04/19/17 - Taken off notice in Senate Judiciary Committee.

House Status: 04/20/17 - House passed.

PROFESSIONS & LICENSURE

SB293/HB603 Physicians authorized to treat pregnant minors without parental consent.

Sponsors: Sen. Briggs, Richard , Rep. Williams, Ryan

Summary: Authorizes a physician to provide peripartum analgesia and peripartum care to a minor who is at least 14 years of age without the knowledge or consent of a parent.

Fiscal Note: (Dated February 8, 2017) NOT SIGNIFICANT

Senate Status: 02/27/17 - Senate passed.

House Status: 04/06/17 - House passed.

Executive Status: 04/19/17 - Enacted as Public Chapter 0138 effective July 1, 2017.

SB489/HB948 Kenneth and Madge Tullis, MD, Suicide Prevention Training Act.

Sponsors: Sen. Briggs, Richard , Rep. Whitson, Sam

Summary: Enacts the "Kenneth and Madge Tullis, MD, Suicide Prevention Training Act" by requiring the department of mental health and substance abuse services to work with the Tennessee Suicide Prevention Network to develop a model list of training programs. Must consider programs of at least two hours in length based on expert consensus and follow high standards of suicide prevention, consult with various authorities on the subject, and report with TSPN model list to the department of health by December 15, 2017. Allows board to exclude elements from approved programs if inappropriate. Starting January 1, 2018 all licensed professionals under the profession of healing arts and health, safety, and environment protection must complete an approved training program every two years and must be completed by professionals by July 1, 2019 unless they apply for license or certification on or after that date and can prove completion of program that meets criteria no more than two years from application date.

Amendment Summary: Senate Amendment 1, House Health Committee Amendment 1 (006578) deletes and replaces language of the proposed legislation such that the only substantive changes are: (1) changes

the beginning date, from January 1, 2018, to January 1, 2020, that requires certain certified or licensed professionals who have direct patient or client contact to complete a training program on suicide prevention at least every five years, and (2) removes the provision that requires a professional to complete a training program approved by the profession's board no later than July 1, 2020.

Fiscal Note: (Dated February 21, 2017) NOT SIGNIFICANT

Senate Status: 04/17/17 - Senate passed with amendment 1 (006578).

House Status: 04/25/17 - House Government Operations Committee recommended. Sent to House Calendar & Rules.

TRANSPORTATION VEHICLES

SB384/HB397 Driver licenses printed in vertical format for persons under 21 years of age.

Sponsors: Sen. Massey, Becky , Rep. Dunn, Bill

Summary: Requires that driver licenses be printed in vertical or portrait format for persons under 21 years of age. Authorizes licensees to replace vertical format license with horizontal one upon reaching 21 years of age for the cost of a duplicate license.

Fiscal Note: (Dated February 18, 2017) Other Fiscal Impact To the extent redesign of the driver license card can be accomplished with one of two available allowances permitted by the current third party vendor contract, any impact would be not significant. Otherwise, redesign of the card will result in one-time state expenditures estimated to be \$100,000.

Senate Status: 03/13/17 - Senate passed.

House Status: 03/29/17 - House Finance Subcommittee deferred, placed behind the budget.

WELFARE

SB214/HB647 Annual Coverage Assessment Act of 2017.

Sponsors: Sen. Overbey, Doug , Rep. McDaniel, Steve

Summary: 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, 2017 for fiscal year 2017-2018.

Amendment Summary: House Health Committee Amendment 1, Senate Health & Welfare Committee Amendment 1 (004761) deletes all language after the enacting clause. Enacts the Annual Coverage Assessment Act of 2017 (the Act) which establishes an annual coverage assessment on hospitals of 4.52 percent of a covered hospital's annual coverage assessment base and is required to be paid in equal quarterly installments. The Bureau of TennCare will send a notice of payment and a return form to each covered hospital 30 days prior to the payment date. A penalty of \$500 a day is imposed on a hospital that does not pay the assessment by the due date. The covered hospital is also subject to disciplinary action under the licensing laws applicable to the hospital. Prorated payments are authorized for a covered hospital that ceases operation after the effective date of the Act. A TennCare managed care organization is prohibited from implementing across the board reductions in rates that are in existence on July 1, 2017, for hospitals and physicians by category or type of provider, unless mandated by the Centers for Medicare and Medicaid Services (CMS). A Maintenance of Coverage Trust Fund (the Fund) consisting of all annual coverage assessment collections and investment earnings credited to the assets of the Fund is established. Assessment payments, investment earnings, and federal matching funds are required to be available to the Bureau and only expended for benefits and services that would have been subject to reductions or eliminations from the FY17-18 TennCare budget; for refunds to hospitals for payments of assessments or penalties

to the Bureau through error, mistake, or a determination that the payment was invalidly imposed; for reimbursements to hospitals to offset losses for services provided to TennCare enrollees (assessment payments only); and payments and expenditures in the TennCare program from funds remaining in the Fund as of June 30, 2017 to replace reductions included in the FY17-18 proposed budget and to increase the reimbursement for services provided to enrollees covered by CoverKids. The implementation of the annual coverage assessment is dependent upon approval of additional hospital payments by CMS; a determination by CMS that the payments will not reduce federal participation in the TennCare program; and full implementation of hospital payment rate variation corridors established by the state's actuary and approved by the Bureau of TennCare for payments by managed care organizations to hospitals for services provided to TennCare enrollees. Critical access hospitals, state mental health hospitals, rehabilitation and long-term care acute hospitals, St. Jude Children's Research Hospital, and the state and local government hospitals are exempt from the annual coverage assessment. Beginning September 1, 2017, and on a quarterly basis thereafter, TennCare is required to report the status of the determination and approval by CMS, the balance of the Fund, and the extent to which the funds have been used, to both of the Finance, Ways and Means Committees, the Senate Health and Welfare Committee, and the House Health Committee. This legislation takes effect July 1, 2017, and terminates on June 30, 2018.

Fiscal Note: (Dated February 7, 2017) Increase State Revenue - \$446,590,600/FY17-18/ Maintenance of Coverage Trust Fund Increase State Expenditures - \$446,590,600/FY17-18/ Maintenance of Coverage Trust Fund Increase Federal Expenditures - \$851,826,400/FY17-18/ Maintenance of Coverage Trust Fund Revenue recognition in the amount of \$446,590,600 is included in the Governors proposed FY17-18 budget (page A-37). Corresponding non- recurring appropriations in the amount of \$1,298,417,000 (\$446,590,600 in state funds and \$851,826,400 in federal matching funds) are also included.

Senate Status: 04/25/17 - Senate Finance, Ways & Means Committee recommended with amendment 1 (004761) deletes all language after the enacting clause. Enacts the Annual Coverage Assessment Act of 2017 (the Act) which establishes an annual coverage assessment on hospitals of 4.52 percent of a covered hospital's annual coverage assessment base and is required to be paid in equal quarterly installments. The Bureau of TennCare will send a notice of payment and a return form to each covered hospital 30 days prior to the payment date. A penalty of \$500 a day is imposed on a hospital that does not pay the assessment by the due date. The covered hospital is also subject to disciplinary action under the licensing laws applicable to the hospital. Prorated payments are authorized for a covered hospital that ceases operation after the effective date of the Act. A TennCare managed care organization is prohibited from implementing across the board reductions in rates that are in existence on July 1, 2017, for hospitals and physicians by category or type of provider, unless mandated by the Centers for Medicare and Medicaid Services (CMS). A Maintenance of Coverage Trust Fund (the Fund) consisting of all annual coverage assessment collections and investment earnings credited to the assets of the Fund is established. Assessment payments, investment earnings, and federal matching funds are required to be available to the Bureau and only expended for benefits and services that would have been subject to reductions or eliminations from the FY17-18 TennCare budget; for refunds to hospitals for payments of assessments or penalties to the Bureau through error, mistake, or a determination that the payment was invalidly imposed; for reimbursements to hospitals to offset losses for services provided to TennCare enrollees (assessment payments only); and payments and expenditures in the TennCare program from funds remaining in the Fund as of June 30, 2017 to replace reductions included in the FY17-18 proposed budget and to increase the reimbursement for services provided to enrollees covered by CoverKids. The implementation of the annual coverage assessment is

dependent upon approval of additional hospital payments by CMS; a determination by CMS that the payments will not reduce federal participation in the TennCare program; and full implementation of hospital payment rate variation corridors established by the state's actuary and approved by the Bureau of TennCare for payments by managed care organizations to hospitals for services provided to TennCare enrollees. Critical access hospitals, state mental health hospitals, rehabilitation and long-term care acute hospitals, St. Jude Children's Research Hospital, and the state and local government hospitals are exempt from the annual coverage assessment. Beginning September 1, 2017, and on a quarterly basis thereafter, TennCare is required to report the status of the determination and approval by CMS, the balance of the Fund, and the extent to which the funds have been used, to both of the Finance, Ways and Means Committees, the Senate Health and Welfare Committee, and the House Health Committee. This legislation takes effect July 1, 2017, and terminates on June 30, 2018. Sent to Senate Calendar Committee.

House Status: 04/25/17 - House Finance Committee recommended. Sent to House Calendar & Rules.

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