

House Government Operations Committee 1

Amendment No. 1 to HB1085

**Daniel
Signature of Sponsor**

AMEND Senate Bill No. 1291

House Bill No. 1085*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 34-6-201(4), is amended by deleting the subdivision and substituting instead the following:

(4)

(A) "Healthcare institution" means any agency, institution, facility, or place, whether publicly or privately owned or operated, that provides health services and that is one (1) of the following: nursing home; recuperation center; hospital; ambulatory surgical treatment center; mental health hospital; intellectual disability institutional habilitation facility; home care organization; outpatient diagnostic center; rehabilitation facility; residential hospice; or nonresidential substitution-based treatment center for opiate addiction;

(B) "Healthcare institution" does not include:

(i) Ground ambulances;

(ii) Homes for the aged;

(iii) Any premises occupied exclusively as the professional practice office of a physician licensed pursuant to title 63, chapter 6, part 2 or title 63, chapter 9, or dentist licensed by the state, and controlled by such physician or dentist;

(iv) Administrative office buildings of public agencies related to healthcare institutions;

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(v) Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;
or

(vi) A mental health residential treatment facility;

SECTION 2. Tennessee Code Annotated, Section 42-8-101(1), is amended by deleting the language "a health care institution as defined in § 68-11-1602" and substituting instead the language "a healthcare institution as defined in § 34-6-201".

SECTION 3. Tennessee Code Annotated, Section 56-7-2601(e)(2), is amended by deleting the subdivision and substituting instead the following:

(2) With respect to inpatient benefits, a community mental health center that has facilities for inpatient care.

SECTION 4. Tennessee Code Annotated, Section 63-1-154(a)(5), is amended by deleting the subdivision and substituting instead the following:

(5) The dispensing of an opioid drug in a nonresidential substitution-based treatment center for opiate addiction;

SECTION 5. Tennessee Code Annotated, Section 63-1-154, is amended by adding the following new subsection:

(d) For purposes of this section, "nonresidential substitution-based treatment center for opiate addiction" includes, but is not limited to, stand-alone clinics offering methadone, products containing buprenorphine such as Subutex and Suboxone, or

products containing any other formulation designed to treat opiate addiction by preventing symptoms of withdrawal.

SECTION 6. Tennessee Code Annotated, Section 63-6-601(2), is amended by deleting the language "a health care institution as that term is defined in § 68-11-1602" and substituting instead the language "a healthcare institution as that term is defined in § 34-6-201".

SECTION 7. Tennessee Code Annotated, Section 68-11-201(31)(A), is amended by deleting the language "and for which a certificate of need is required by this chapter".

SECTION 8. Tennessee Code Annotated, Section 68-11-202(e), is amended by deleting the language:

This subsection (e) shall establish the criteria for the creation of branch offices by a home care organization operating pursuant to its certificate of need authority or pursuant to its license as of May 11, 1998. Nothing in this subsection (e) shall permit a home care organization to expand its authority beyond the limitations of its certificate of need or its license as of May 11, 1998.

and substituting instead the following:

This subsection (e) establishes the criteria for the creation of branch offices by a home care organization operating pursuant to its license as of the effective date of this act. Nothing in this subsection (e) permits a home care organization to expand its authority beyond the limitations of its license as of the effective date of this act.

SECTION 9. Tennessee Code Annotated, Section 68-11-204, is amended by deleting subsection (d).

SECTION 10. Tennessee Code Annotated, Section 68-11-206(c), is amended by deleting the subsection and substituting instead the following:

(c) Any condition placed on the issuance of a certificate of need pursuant to § 68-11-1605 for a facility for which a certificate of need is required by title 68, chapter 11, part 16, is deemed a condition on any subsequently issued license under this section.

SECTION 11. Tennessee Code Annotated, Section 68-11-226, is amended by deleting subsection (c).

SECTION 12. Tennessee Code Annotated, Section 68-11-1306, is amended by deleting subsection (c).

SECTION 13. Tennessee Code Annotated, Section 68-11-1602(2), is amended by deleting the language "health care institution, facility, or covered health care service" and substituting instead the language "health care institution or facility".

SECTION 14. Tennessee Code Annotated, Section 68-11-1602(7)(A), is amended by deleting the subdivision and substituting instead the following:

(A) "Health care institution" means any agency, institution, facility, or place, whether publicly or privately owned or operate, that provides health services and is a nursing home;

SECTION 15. Tennessee Code Annotated, Section 68-11-1602, is amended by deleting subdivisions (8), (9), (12), (14), and (17), and by redesignating the remaining subdivisions accordingly.

SECTION 16. Tennessee Code Annotated, Section 68-11-1607(a)(5), is amended by deleting the subdivision and substituting instead the following:

(5) A change in the location of or the replacement of existing or certified health care institutions;

SECTION 17. Tennessee Code Annotated, Section 68-11-1607(a), is amended by deleting subdivisions (4), (8), (10), (11), and (12), and by redesignating the remaining subdivisions accordingly.

SECTION 18. Tennessee Code Annotated, Section 68-11-1607(b), is amended by deleting the language "or that constitutes a covered health care service,".

SECTION 19. Tennessee Code Annotated, Section 68-11-1607(c)(9), is amended by deleting subdivision (A) and redesignating the remaining subdivisions accordingly.

SECTION 20. Tennessee Code Annotated, Section 68-11-1607, is amended by deleting subsections (g), (i), (j), (l), (m), (n), (o), and (p), and by redesignating the remaining subsections accordingly.

SECTION 21. Tennessee Code Annotated, Section 68-11-1625(f), is amended by deleting the subsection and substituting instead the following:

(f) A separate account is authorized to provide support for the state health planning division of the department of finance and administration. The department of finance and administration shall collect and administer an annual fee of one hundred dollars (\$100) per license from health care institutions. The account must be used for other services required to fulfill the duties of the state health planning division of the department of finance and administration. The commissioner of finance and administration shall hire and direct all planning staff.

SECTION 22. Tennessee Code Annotated, Section 68-11-1802(a)(8), is amended by deleting the language "a health care institution as defined in § 68-11-1602" and substituting instead the language "a healthcare institution as defined in § 34-6-201".

SECTION 23. Tennessee Code Annotated, Section 71-5-105(b)(1), is amended by deleting the language "In compliance with the certificate of need process, private" and substituting instead the language "Private".

SECTION 24. Tennessee Code Annotated, Section 71-5-105, is amended by deleting subsection (c).

SECTION 25. Tennessee Code Annotated, Section 71-5-2002(2)(B), is amended by deleting the language "as shown in its certificate of need application filed with the health services and development agency".

SECTION 26. On the effective date of this act, any rule promulgated or filed pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, by the health services

and development agency that is inconsistent with this act is repealed to the extent that the rule does not comply with this act.

SECTION 27. This act shall take effect July 1, 2024, the public welfare requiring it.